

Agenda

Environmental Protection Commission

January 17, 1995
10:00 A.M.

Wallace State Office Building, Fourth Floor Conference Room

January 18, 1995 - Legislative Reception from 7:30 - 9:00 A.M.
Fourth Floor Conference Room, Wallace State Office Building

Public Participation

10:30 A.M.

Appointment - Doug Gross (Item #17)

1:00 p.m.

Agenda topics

1. Approve Agenda
2. Approve Minutes of Electronic Meeting
December 5, 1994 and Regular Meeting Minutes of
December 19, 1994
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
- delete to* 5. ~~Contract Approval - Waste Tire Processing Technical Services~~ Stan Kuhn (**Decision**)
6. Clinton County Solid Waste Agency Regional
Collection Center Grant Contract Approval Stan Kuhn (**Decision**)
7. 1994 Toxic Cleanup Days Report to General Assembly Teresa Hay (Information)
8. Landfill Alternatives Financial Assistance Program
Applications Teresa Hay (Information)
9. Landfill Alternatives Grantee Update Teresa Hay (Information)
10. Monthly Reports Allan Stokes (Information)
11. Proposed Rule--Chapters 20, 22, 23 & 25, Air Quality Allan Stokes (Information)
12. Notice of Intended Action--Chapter 61, Water Quality
Standards Stream Use Classification Allan Stokes (**Decision**)
13. Final Rule--Chapters 40 & 43, Water Supply Fees Allan Stokes (**Decision**)
14. Final Rule--Chapter 42, Water Supply Laboratory
Certification Allan Stokes (**Decision**)
15. State Revolving Fund - Intended Use Plan FY95 Allan Stokes (**Decision**)

EPC Agenda - Page 2

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| 16. | Grants to Counties Private Well Testing and Closure, FY 1996 | Allan Stokes (Decision) |
| 17. | Petition for Declaratory Ruling on Chapters 38, 43, and 49 | Allan Stokes (Decision) |
| 18. | Contested Case Decision Appeal--Economy Solar Corp. | Allan Stokes (Decision) |
| 19. | Referrals to the Attorney General | Allan Stokes (Decision) |
| | a) Wunschel Oil Company (Battle Creek) | |
| | b) Ida County Sanitary Landfill | |
| 20. | Waste Abatement Ad Hoc Committee Report | Clark Yeager (Information) |
| 21. | General Discussion | |
| 22. | Address Items for Next Meeting | |

Next Meeting Dates	February 20, 1995
	March 20, 1995
	April 17, 1995

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 17, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Amy Christensen Couch

Sullivan & Ward

Des Moines

Rich Kelley

UHL

DM

Rebecca Cole

Jewell, Ia

Richard Bengtson

Jewell, Ia

Jesse Overland

Jewell, Ia

Margaret Overland

Jewell, Ia

Bonnie Bengtson

Jewell, Ia

Mick Durham

Stanley Consultants

Terry Keys

Metro Waste Authority

Des Moines, IA

Perry Beeman

Dm Register

DM

Melby Bates

FD Messenger

FD

Ken Sharp

IDPH

DSM

Martin L. Frick

IDPH

LE Mars

Scott Young

Smith Grill

Don Brazelton

IA CoCons BAs

Elkhart

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 17, 1995

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Chris Garet	Farm Bureau	WDSM
Dawn Goodrich	Des Moines Waterworks	
W. H. McMullen	" "	
Sean Moore	Brown Winick	ASCR
Linda Kading	Iowa Assn of Muni. Util.	DSM
Alan Mathias	Clarke Co. Environmental Services	Okeola
John Eichelberger	Stanley, Land & Hunter	Muscatine
Jack Clark	Iowa Utility Assoc.	DSM
Bob Lambrecht	US EPA	K.C.
Stuart Feldstein	Brown Winick	Des Moines
Tom Moberg	Iowa Select Farms	La Falls
Jeff Harn	" "	" "
Dan [Signature]	Brown Winick	Des Moines

File Name ADP-1-1-1 **RECORD COPY** *EPC Meeting*
Senders Initials *JS* *Jan. 1995*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JANUARY 17, 1995

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

TABLE OF CONTENTS

Call to Order.....	1
Members Present	1
Members Absent.....	1
Adoption of Agenda.....	1
APPROVED AS AMENDED.....	1
Approval of Minutes.....	2
December 5, 1994 Electronic Meeting Minutes	2
APPROVED AS PRESENTED.....	2
December 19, 1994 Regular Meeting Minutes	2
APPROVED AS AMENDED.....	2
Director's Report.....	2
1994 Toxic Cleanup Days Report	2
INFORMATIONAL ONLY	3
Landfill Alternatives Financial Assistance Program Applications	3
INFORMATIONAL ONLY	13
Landfill Alternatives Grantee Update.....	13
INFORMATIONAL ONLY	15
Public Participation.....	15
Don Brazelton (water supply fees).....	15
L. D. McMullen (water supply fees).....	16
Financial Status Report - YTD Division Expenditures	16
INFORMATIONAL ONLY	24
Clinton County Area Solid Waste Agency Regional Collection Center Grant Contract Approval.....	24
APPROVED AS PRESENTED.....	31
Monthly Reports	31
INFORMATIONAL ONLY	48
Proposed Rule--Chapters 20, 22, 23, and 25, Air Quality	48
INFORMATIONAL ONLY	48
Notice of Intended Action--Chapter 61, Water Quality Standards - Stream Use Classification ..	49
APPROVED AS PRESENTED.....	49

Final Rule--Chapters 40 and 43, Water Supply Fees	49
APPROVED AS AMENDED FOR A PERIOD OF TWO YEARS.....	55
Final Rule--Chapter 42, Water Supply Laboratory Certification.....	55
APPROVED WITH EDITORIAL CHANGE	60
State Revolving Fund - Intended Use Plan FY95	60
APPROVED AS PRESENTED.....	61
Grants to Counties for Private Well Testing and Closure, FY1996.....	61
APPROVED AS PRESENTED.....	65
Petition for Declaratory Ruling on Chapters 38, 43, and 49.....	65
Appointment - Chris Gault	65
Appointment - Richard Bengtsen.....	66
Appointment - Doug Gross.....	66
Appointment - Rececca Cole	67
DECLARATORY RULING DECLINED.....	69
Contested Case Appeal--Economy Solar Corp.	69
ALJ DECISIONS UPHELD.....	70
Referrals to the Attorney General.....	70
Wunschel Oil Company; Vernus, Jaquelyn, and Mark Wunschel.....	70
REFERRED	70
Ida County Sanitary Landfill	71
REFERRED	71
Waste Abatement Ad Hoc Committee Report	71
General Discussion	71
Legislative Breakfast.....	71
Waste Tire Processing Services Contract.....	72
Address Items for Next Meeting	73
Next Meeting Dates	73
Adjournment.....	73

MEETING MINUTES**CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Tuesday, January 17, 1995, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm
Rozanne King, Secretary
Charlotte Mohr
Kathryn Murphy
Gary Priebe
Nancylee Siebenmann, Chair
Terrance Townsend
Clark Yeager, Vice-Chair

MEMBERS ABSENT

Verlon Britt

Commissioner Britt phoned to say he could not attend the meeting due to an ice storm in his area.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Doug Gross - Item #17, Petition for Declaratory Ruling -1:00 p.m.
- Delete: Item #5 - Contract Approval-Waste Tire Processing Technical Services

Director Wilson explained that Item#5 was withdrawn until staff has a better idea of what the EPA is going to require of a proposal the department worked out with a landfill at Fort Dodge.

Director Wilson stated that L.D. McMullen requested to speak at Public Participation about the Water Supply Fee rules.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES**December 5, 1994 Electronic Meeting Minutes**

Motion was made by Rozanne King to approve the Electronic Meeting Minutes of December 5, 1994, as presented. Seconded by Katryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

December 19, 1994 Regular Meeting Minutes

Rozanne King stated that on Page 44, in regard to the action taken on the Amoco Oil referral, the word "unanimously" should be struck..

Motion was made by Charlotte Mohr to approve the meeting minutes of December 19, 1994, as amended. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS AMENDED

DIRECTOR'S REPORT

Larry Wilson, Director, announced that Linda Appelgate, a former EPC Commissioner, has been selected as Director of the Iowa Environmental Council. Director Wilson stated that he will attend a proclamation signing at the Governor's Office later this morning in honor of the 75th Anniversary of the State Parks. He also noted that later in the meeting he will review tomorrow's activities for the Legislative Breakfast.

1994 TOXIC CLEANUP DAYS REPORT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The 1994 Toxic Cleanup Days report is attached for the Commission's information. This annual report cites the results and cost of the Toxic Cleanup Days as required in Code of Iowa 455F.8.

This report contains detailed information on Toxic Cleanup Days, as well as a brief background on household hazardous materials. In 1994, the DNR sponsored fifteen events throughout Iowa. The events were held in the following counties:

Hancock
Pottawattamie
Page

Ida
Mills
Story

Emmet
Taylor
Marshall

SEMCO
Muscatine

Van Buren
Winneshiek

Benton
Woodbury

In addition to the regularly scheduled Toxic Cleanup Days, two agricultural pesticide collections were held in Iowa. The Iowa Department of Natural Resources and the Department of Agriculture and Land Stewardship, with funding from the U.S. Environmental Protection Agency, conducted two agriculture pesticide collections in Marshall and Benton counties. The events collected a total of 14,705 pounds of agricultural chemicals.

In the Spring of 1995, nine counties will host a Toxic Cleanup Day. These counties include:

Carroll
Greene
Pocahontas

Crawford
Johnson
Poweshiek

Dubuque
Kossuth
Union

The Toxic Cleanup Days continue to be highly successful and provide Iowans with an opportunity to do their share to clean up the environment.

Ms. Hay briefly explained the report. She stated that there is a good participation rate within the counties adding that collections in the urban areas run at approximately 35 pounds per household; the rural areas run at about 54 pounds per household.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Thirty-five (35) applications were received for consideration during the December, 1994, round of funding. Nearly \$9 million was requested in funding assistance. Approximately \$2 million dollars is available to award to selected applicants.

A summary of applications received is attached for the Commission's information. Financial assistance application review is scheduled to be completed by the end of February, 1995. Awards will be announced in March. The first contracts will come to the Commission for approval in April.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM SUMMARY OF APPLICATIONS RECEIVED, DECEMBER 1994

The Department of Natural Resources received 35 applications for financial assistance consideration during the December 1994, funding period. Applicants requested nearly \$9

million in grant and zero interest loan assistance. Approximately \$2 million is available to award to selected applicants during this funding cycle.

The following table provides summary information of the applicants and the types of project applications submitted. Applications Received By Project Type reflects how the applicant characterized the proposed project and is subject to change.

Applications Received By Applicant Type	# Received	Request Amount
Local Government	8	\$ 1,845,059
Private For Profit	22	\$ 6,401,903
Private Not For Profit	5	\$ 729,029
Applications Received By Project Type	# Received	Request Amount
Education	2	\$ 73,998
Waste Reduction	9	\$ 1,453,247
Research and Development or Demonstration	17	\$ 4,215,245
Zero Interest Loan	7	\$ 3,233,501

APPLICATION 1: PRO Environmental

REQUEST: \$1,128,795 - Grant - Research and Development/Demonstration

APPLICANT: Private For Profit, Tom Bowser, President

DESCRIPTION:

The applicant proposes to establish a new waste tire processing facility primarily for the manufacture of crumb rubber. Tires will be accepted from manufacturers, tire suppliers and the general public within a 250 mile radius of the processing facility to be located in the City of Cedar Rapids, Linn County. Financial assistance is requested for building remodeling, site improvements and equipment.

APPLICATION 2: Van Buren County

REQUEST: \$69,500 - Grant - Research and Development/Demonstration

APPLICANT: Local Government, John Whitaker, Chair County Board of Supervisors

DESCRIPTION:

The applicant is proposing to implement a recyclables collection service for the commercial sector within Van Buren County. Materials will be taken to the existing rural recycling center. The applicant will improve the existing facility by constructing a loading dock and purchase additional equipment. The facility is located near the City of Keosauqua, Van Buren County. Financial assistance is requested for equipment, waste tire disposal, education materials, and loading dock construction.

APPLICATION 3: All Seasons Enterprises

REQUEST: \$329,249 - Grant - Research and Development/Demonstration

APPLICANT: Private For Profit, Jack Vincent Jr., Owner

DESCRIPTION:

The City of Nevada, Story County applicant proposes to establish a mobile waste gypsum wallboard recycling service available throughout Iowa. Waste wallboard will be processed to meet specifications for reintroducing into the manufacturing process. Financial assistance is requested for equipment, transportation and processing expenses.

APPLICATION 4: Corell Recycling

REQUEST: \$367,858 - Zero Interest Loan

APPLICANT: Private For Profit, Steve Corell, President

DESCRIPTION:

The applicant is proposing to expand existing concrete and asphalt recycling operations in order to provide the service to over 400 current customers and identified prospects within the project service area of Polk County and portions of Dallas and Warren Counties. The applicant is located in the City of Des Moines, Polk County and is seeking financial assistance for the purchase of additional processing equipment.

APPLICATION 5: Metro Waste Authority

REQUEST: \$40,200 - Grant - Research and Development/Demonstration

APPLICANT: Private Not For Profit, Teree Caldwell Johnson, Executive Director

DESCRIPTION:

The applicant, located in the City of Des Moines, Polk County, is proposing to develop and implement a Shopping Center Pilot Recycling Program for waste paper. Office paper, magazines, boxboard, old corrugated containers, mixed paper will be collected from the retail sector and transported locally for processing and marketing. Funding assistance is requested for educational materials, collection containers, and collection costs.

APPLICATION 6: Skyline Center, Inc.

REQUEST: \$74,020 - Grant - Research and Development/Demonstration

APPLICANT: Private Not For Profit, John Robinson, Executive Director

DESCRIPTION:

The applicant, located near the City of Clinton, Clinton County, is proposing to implement roadside collection of recyclables for residents of unincorporated areas of Clinton County. Materials will be transported to the existing recycling center for sorting, processing and marketing. Materials to be collected include: paper, cardboard, plastics (#1 through #7), tin, aluminum, and glass. Funding assistance is requested for equipment, supplies, educational materials, and wages.

APPLICATION 7: City of Ottumwa

REQUEST: \$50,487 - Grant - Education

APPLICANT: Local Government, Dale Uehling, Mayor

DESCRIPTION:

Utilizing the local government access channel the City of Ottumwa, Wapello County, will provide educational programs targeting the general public, business and industry on solid waste management alternatives of waste reduction and recycling. Financial assistance is requested for personnel and travel expenses, supplies and equipment.

APPLICATION 8: Winneshiek County

REQUEST: \$325,174 - Zero Interest Loan

APPLICANT: Local Government, Linus Rothmeyer, Chair Board of Supervisors

DESCRIPTION:

The project involves expanding an existing recycling center and purchase additional equipment with financial assistance to meet current needs for expanded recyclables storage and processing. Materials are accepted throughout Winneshiek County and portions of Allamakee County. It is anticipated that the balance of Allamakee County will be served in the near future.

APPLICATION 9: New Beginnings Recycling, L.L.C.

REQUEST: \$120,000 - Grant - Waste Reduction

APPLICANT: Private For Profit, Allan Leatherman, President

DESCRIPTION:

The applicant, located in the City of Sioux City, Woodbury County, is proposing to establish a new facility capable of serving all of Iowa for processing and washing HDPE, LDPE, and PETE flakes and will provide brokerage services by marketing bales of other plastic resins. Financial assistance is requested for the purchase of equipment.

APPLICATION 10: Metro Area Housing Program

REQUEST: \$9,765 - Grant - Waste Reduction

APPLICANT: Private Not For Profit, Michele Eichelberger, President

DESCRIPTION:

The City of Cedar Rapids, Linn County applicant proposes to enhance its architectural salvage operation by installation of a heating unit using recycled motor oil as a fuel to heat the materials processing area and the warehouse. The applicant recovers materials from buildings slated for demolition and then resells these materials. Financial assistance is requested for the purchase of a heating unit and accessory equipment.

APPLICATION 11: Skumatz Economic Research Associates

REQUEST: \$135,000 - Grant - Research and Development/Demonstration

APPLICANT: Private For Profit, Lisa Skumatz, Principal

DESCRIPTION:

The applicant, located in the City of Seattle, Washington, proposes to conduct a pilot weight based curbside collection program for a specified number of households within a selected Iowa community. The project's goal is to provide communities with information on using a weight based system as an incentive to reduce the amount of solid waste generated and landfilled. Financial assistance is requested for equipment and consulting fees.

APPLICATION 12: Midwest Recycling & Mercury Recovery Systems, Inc.

REQUEST: \$55,500 - Grant - Waste Reduction**Applicant:** Private For Profit, Wayne Zumhoff, Vice President**Description:**

The City of Dubuque, Dubuque County applicant proposes to purchase a truck and forklift to assist in expanding the collection, processing and marketing of the components of fluorescent tubes, mercury vapor and high pressure sodium bulbs. The project will serve all of Iowa and all or portions of the surrounding states.

APPLICATION 13: Shine Brothers, Corporation**Request:** \$475,391 - Grant - Research and Development and Demonstration**APPLICANT:** Private For Profit, Toby Shine, President**DESCRIPTION:**

The applicant currently recycles used electrical wire and is proposing to expand their recycling efforts by recovering and marketing the wire's insulation material which is currently landfilled. The applicant, located in the City of Spencer, Clay County, is seeking financial assistance for the purchase of equipment, building construction, supplies and wages.

APPLICATION 14: Telecom*USA Publishing Company**REQUEST:** \$10,000 - Grant - Waste Reduction**APPLICANT:** Private Not For Profit, Mark Stevens, Recycling Manager**DESCRIPTION:**

The applicant, located in the City of Cedar Rapids, Linn County, is seeking financial assistance to operate collection programs for old phone books in several areas of the state. Old phone books are collected curbside if such a program exists, if not, old phone books are collected via a drop-off program.

APPLICATION 15: Midwest Recycling, Inc.**REQUEST:** \$273,000 - Zero Interest Loan**APPLICANT:** Private For Profit, Martin Vrba, Chairman**DESCRIPTION:**

The applicant proposes to expand its plastics recycling facility by seeking financial assistance to install and operate a PET plastics washing and air separation line. The

applicant will also purchase a plastics granulator. The project will serve an 800 mile radius from the City of Clarinda, Page County.

APPLICATION 16: ADDOCO, Inc.**REQUEST:** \$92,568, - Grant - Waste Reduction**APPLICANT:** Private For Profit, Stephen Rodham, President**DESCRIPTION:**

The applicant, located in the City of Peosta, Dubuque County, is proposing to expand the existing wooden pallet operation by constructing a building and purchase additional equipment to allow for the refurbishing of wooden pallets and the grinding and marketing of processed waste wood as animal bedding, landscape mulch, and boiler fuel. The project would serve eastern Iowa, and portions of Illinois, Minnesota, and Wisconsin. Financial assistance is requested for building construction and equipment.

APPLICATION 17: City of Walnut**REQUEST:** \$71,770 - Grant - Research and Development/Demonstration**APPLICANT:** Local Government, Randall Larson, City Superintendent**DESCRIPTION:**

The applicant, the City of Walnut located in eastern Pottawattamie County, is proposing to implement a demonstration composting project using a heavy plastic bag as a containment vessel. Air will be forced through a perforated hose running inside the containment bag as a means to maintain aerobic conditions. The project will initially target yard wastes with plans for co-composting institutional food wastes, non-recyclable paper products, sewage sludge, etc. at a later date. Financial assistance is requested for site improvement, equipment, labor and operating costs.

APPLICATION 18: The Celotex Corporation**REQUEST:** \$484,760 - Grant - Waste Reduction**APPLICANT:** Private For Profit, Laurence Hickey, Plant Manager**DESCRIPTION:**

The applicant is proposing to implement a processing system capable of converting gypsum wallboard waste into a suitable raw material for reintroducing into the manufacture of gypsum wallboard. The applicant, located in the City of Fort Dodge, Webster County, is seeking financial assistance for site preparation, building construction and equipment purchase and installation.

APPLICATION 19: Rimade Shredding**REQUEST:** \$300,000 - Grant -Waste Reduction**APPLICANT:** Private For Profit, Marc Drees, Co-Owner**DESCRIPTION:**

The applicant is proposing to provide a portable solid waste shredding service throughout Iowa and the midwest. Materials acceptable for shredding include: scrap tires, waste wood from demolition sites, railroad ties and landscape waste. Financial assistance is requested for the purchase of equipment and wages. The applicant is located in the City of Manning, Carroll County.

APPLICATION 20: Country Store

REQUEST: \$85,922 - Grant - Waste Reduction

APPLICANT: Private For Profit, Vernon Vander Weerd, Owner

DESCRIPTION:

The applicant proposes to enhance the existing used lumber and building supply business. The applicant would remove recyclable and reusable materials from structures prior to the structure's demolition. The applicant provides demolition services within a 100 mile radius of the City of Sully, Jasper County. Financial assistance is requested for building construction, wages, and equipment.

APPLICATION 21: Bee Rite Tire Disposal, Inc.**REQUEST:** \$122,811 - Zero Interest Loan**APPLICANT:** Private For Profit, Jerry Yoemans, CEO**DESCRIPTION:**

The applicant proposes to expand the existing waste tire management business by seeking financial assistance for the purchase of tire debadders and a tire shredder. Waste tires will be collected from central Iowa, processed and marketed as an alternative fuel while continuing to develop other markets for the processed material. The applicant is located in the City of Marshalltown, Marshall County.

APPLICATION 22: Great River Regional Waste Authority**REQUEST:** \$144,085 - Grant - Research and Development/Demonstration**APPLICANT:** Local Government, Randy Hartmann, Director**DESCRIPTION:**

The applicant, located in the City of Fort Madison, Lee County, proposes to enhance existing waste wood recycling activities, and develop a pilot asphalt shingle recycling program. The applicant will also develop regional cooperative marketing of wood waste products. Financial assistance is requested for equipment, personnel, education/promotion, laboratory fees, and transportation.

APPLICATION 23: Permeate Refining, Inc.**REQUEST:** \$350,000 - Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Carol Lehman, President**DESCRIPTION:**

The applicant, located in the City of Hopkinton, Delaware County, is proposing to expand and improve efficiency of the existing ethanol production facility. Ethanol is produced from sugars and starches received from eastern Iowa grain and food processing facilities, blended with unleaded gasoline and marketed. Financial assistance is requested for equipment, semi tractor/trailer and supplies.

APPLICATION 24: Siouxland Mat Company

REQUEST: \$243,750 - Zero Interest Loan

APPLICANT: Private For Profit, Gene Hiemstra, Owner

DESCRIPTION:

The Sioux Center, Sioux County applicant, is seeking to expand an existing rubber mat manufacturing facility through the purchase or construction of a larger manufacturing building and the purchase of additional equipment. Rubber mats are manufactured utilizing waste materials from other manufacturers and tires accumulated for landfill disposal. No virgin rubber materials are used in the production of the mats.

APPLICATION 25: City of Newton Landfill**REQUEST:** \$112,500 - Grant - Research and Development/Demonstration**APPLICANT:** Local Government, Rod Van Dusseldorp, Superintendent**DESCRIPTION:**

The applicant is proposing to stockpile cement, cement product, concrete, brick and asphalt received at the landfill until sufficient quantity is collected to contract for crushing services. Crushed aggregate will be used at the landfill for road resurfacing and to provide an all-weather dumping area. The remaining material will be sold for a variety of possible uses. The applicant, located in the City of Newton, Jasper County, is seeking financial assistance for contracted crushing services.

APPLICATION 26: Marjorie Macken**REQUEST:** \$98,000 - Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Marjorie Macken, Principal**DESCRIPTION:**

The proposed project involves the manufacture of lawn figurines/ornaments out of compost and waste material (straw, paper, manure, and sawdust). The applicant, located in the City of Readlyn, Bremer County, is seeking financial assistance for building construction, equipment, and education/promotion.

APPLICATION 27: City of Muscatine**REQUEST:** \$1,048,032 - Zero Interest Loan**APPLICANT:** Local Government, Lavene Payne, Solid Waste Manager**DESCRIPTION:**

The City of Muscatine, Muscatine County, is proposing to construct a transfer station/recycling facility for the management of solid wastes generated by members of the Muscatine County Solid Waste Management Agency. The recycling facility will be used to separate, process, store, and market recyclables. Financial assistance is requested for facility construction.

APPLICATION 28: By-Product Technologies, Inc.**REQUEST:** \$50,000 - Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Mike Phillips, President**DESCRIPTION:**

The proposed project is to process asphalt shingles collected at area landfills by grinding them and selling the processed materials to asphalt companies for use in road repair and new road construction. The applicant, located in the City of Keosauqua, Van Buren County, is seeking financial assistance for the purchase of a tub grinder and associated equipment. The project will initially target 5 southeastern Iowa counties.

APPLICATION 29: Bill E. Hamilton**REQUEST:** \$852,876 - Zero Interest Loan**APPLICANT:** Private For Profit, Bill Hamilton, Owner**DESCRIPTION:**

The applicant, located in the City of Princeton, Scott County, is proposing to produce plastic pallets from recycled HDPE. The applicant is seeking financial assistance for the purchase of a plastic injection molding machine and associated equipment.

APPLICATION 30: Davis County Environmental Health Department**REQUEST:** \$23,511 - Grant - Education**APPLICANT:** Local Government, Don Herteen, Director**DESCRIPTION:**

The City of Bloomfield, Davis County applicant, proposes to develop and implement a waste reduction education and recycling program to assist small business, industry, schools, hospitals and retail outlets manage their solid waste. Financial assistance is requested for wages, education materials, recycling trailers, and equipment.

APPLICATION 31: Ames Technologies, Inc.**REQUEST:** \$300,000 - Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Jolene Hynes, President**DESCRIPTION:**

The applicant, located in the City of Ames, Story County, is proposing to develop a new recycled content material as an alternative for road repair "pothole patch" and a hard surface multi-purpose recreational path. Financial assistance is requested for equipment, wages, and supplies.

APPLICATION 32: Stickle Custom Feed**REQUEST:** \$185,520 - Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Donald Stickle, Vice President**DESCRIPTION:**

The proposed project involves expanding an existing facility manufacturing animal feed from food wastes. The applicant is located in the City of Anamosa, Linn County and is requesting financial assistance for building construction, equipment, and supplies.

APPLICATION 33: Metro Waste Authority**REQUEST:** \$595,044 - Grant - Research and Development/Demonstration**APPLICANT:** Private Not For Profit, Teree Caldwell Johnson, Executive Director**DESCRIPTION:**

The applicant, located in the City of Des Moines, Polk County, is proposing to establish a pilot project demonstrating the composting of food waste. Clean wood waste, recovered principally from construction sites, will be used as a bulking agent. Financial assistance is requested for equipment and prefabricated building materials. Compostable materials will be collected from Polk County and portions of Dallas, Warren, and Jasper Counties.

APPLICATION 34: Christy Corporation and Freese Lime and Rock**REQUEST:** \$294,732 - Grant - Waste Reduction**APPLICANT:** Private For Profit, Kelly Freese, Owner**DESCRIPTION:**

The City of Waterloo, Black Hawk County applicant proposes to implement a recycling program for circulating fluidized bed boiler fly ash. Fly ash will be blended with ag lime and applied to farm fields for use as a soil conditioner and to neutralize soil acidity. Initial service area is approximately a 45 mile radius from the applicant. Financial Assistance is requested for the purchase of equipment, storage building construction, and research/marketing.

APPLICATION 35: Environmental Solutions, Inc.**REQUEST:** \$56,171, Grant - Research and Development/Demonstration**APPLICANT:** Private For Profit, Kristie Mejeur, Vice President**DESCRIPTION:**

The City of Cedar Rapids, Linn County applicant proposes to design, prototype, and field test launderable sorbents for use around leaking equipment and in primarily non-hazardous spill response situations. The initial service area is nine counties in east central Iowa. Financial assistance is requested for supplies, materials, and laundry services.

Ms. Hay reviewed the grant program noting that the number of applications for assistance has dropped from an average of 58 to 35. She pointed out that this is the first round in which both grants and loans have been available.

Charlotte Mohr asked about Application #11 and its reference to a "selected Iowa community."

Ms. Hay stated that she does not know which community that is but the applicant has worked with the East Central Iowa Council of Governments and the specific community has not been designated.

Commissioner Mohr expressed concern that the project could be located in an area where there is currently curbside recycling and might possibly compete with those programs.

Ms. Hay stated that the applicant's proposal would not conflict with curbside recycling. She explained that this project deals with volume-rate-pricing which means that the more waste an individual sets out at the curb, the more it would cost that person. The goal is to study behavior to see if people will take advantage of the opportunity to recycle in order to save money. Ms. Hay related that there are about 80 communities in the state that have gone to some type of volume-rate-pricing.

Terrance Townsend commented that common sense should tell a person to reduce their waste disposal if it will cost less and he questioned the need for a study to tell us that.

Clark Yeager asked if there is still a \$300,000 cap on grants.

Ms. Hay responded that there is no cap of any kind. She related that it was the consensus of the advisory committee to limit the type of projects that are eligible for grant assistance to those dealing with education, waste reduction, research and development, and demonstration. All other types of projects are eligible only for no-interest loans.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES GRANTEE UPDATE

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Per the Commission's request, a report will be provided regarding Landfill Alternatives grantees Hon Industries, RoseBar Tire Shredding, and Recycling Services Associates and the status of the projects.

Rosebar Tire Shredding Center

Rosebar received a Landfill Alternatives Grant (\$365,550) in the Fall of 1989, to construct and operate a scrap tire processing facility. Rosebar's primary market was tire derived fuel (TDF) with lesser amounts of processed rubber sold as playground cover. A second grant offer (\$85,442) was made during the June 1993, grant round for the purchase of tire debadders. Tire debadders would allow Rosebar to reduce production costs, reduce the amount of residual materials landfilled, increase operating efficiency and increase revenues. The grant award was contingent upon Rosebar coming into compliance with Department regulations. To date, compliance has not been attained and no grant funds have been spent for the purchase of the tire debadders. It is understood one tire debadder has been purchased and was in operation.

Dan Schwitters has taken control of Rosebar and Eleanor Kaiser is no longer involved with the Company. Continental Turf Systems, Inc. (Tire Turf) has been contacted, by Dan Schwitters, to provide daily management of operations. Dan Schwitters would maintain ownership. Tire Turf is located in Ohio and Indiana. Primary material to be processed is crumb rubber. Two markets for crumb rubber have been mentioned and include Tire Turf and Kraiburg (located in the City of Lisbon, Linn County). In order to produce crumb rubber, existing equipment will require modification and the purchase of a secondary grind would be necessary.

Tom Bowser of Pro Environmental has indicated that an offer to purchase Rosebar is currently being negotiated and is contingent upon awarding a grant to Pro Environmental through the Landfill Alternatives Financial Program. Pro Environmental is proposing to purchase equipment and take liability of waste tires currently stored at Rosebar and a site in the City of Garrison. Currently, no processing of waste tires is taking place pending a decision on the proposed purchase of Rosebar.

A meeting was held January 6, 1995, at Rosebar. Attendees included representatives of Rosebar, DNR, Benton County, City of Vinton, and Tire Turf. It appears Mr. Schwitter has three options: 1) Maintain ownership and turn operation of the facility over to Tire Turf; 2) Accept the purchase offer of Pro Environmental; and 3) Declare bankruptcy or walk away. Option three is one Dan Schwitters does not want to pursue out of concern for the City of Vinton and potential personal financial loss.

Hon Industries

Hon Industries was awarded a grant (\$190,000) in the Spring of 1991, to pelletize scrap wood from their manufacturing process. Wooden fuel pellets were marketed for use in wood burning stoves. Wooden pellet manufacturing and marketing was stopped due to a negative impact caused by the combustion of chlorides inherent in the adhesives of their scrap wood.

Hon Industries has indicated a new project is being investigated that would allow using the scrap wood in the manufacture of drawer fronts and pencil trays. Sorbilite Company of Virginia Beach, Virginia has a patented process of blending ground scrap wood and a bonding resin then compressing the mixture in a die to manufacture items Hon is interested in as well as many other items.

In the most recent correspondence from Hon Industries, December 22, 1994, they indicated that the pellet mill, cooler bed, screener, control center and bagging machine, all purchased with grant assistance, are up for sale. A hammermill to grind scrap wood, also purchased with grant assistance, may be kept and used under the new process. Representatives of Sorbilite Company were to have been in Muscatine to meet with representatives of Hon Industries on January 4, 1995. The outcome of that meeting is not known.

The Department has sent a letter, via certified mail, directing Hon Industries to repay a percentage of the funds they receive from the sale of any or all of the equipment purchased with grant funds.

Recycling Services Associates

Recycling Services Associates (RSA) was awarded a grant (\$255,000) in the Spring of 1991, to manufacture landscape timbers from scrap tires and plastic (HDPE and PETE). RSA would collect/accept scrap tires and grind/particulate them. At this point they would introduce plastic flake and through an extrusion process, produce recycled timbers. A fire started in the grinder which caused RSA to stop operations for a period of time. The grinder was never replaced. RSA instead began to purchase rubber buffings for use in their operations. RSA successfully manufactured a limited number of timbers and was establishing contracts with retail outlets to supply the landscape timbers for sale. Financial constraints forced the halt of timber manufacture and they were unable to secure additional funding to continue.

An auction was held October 25, 1994 and all grant funded equipment was sold. At the time of the auction, RSA was very deep in debt and no funds were available to reimburse the Department.

Ms. Hay reviewed the status of each grantee.

Brief discussion followed in regard to the number of tires at Rosebar, and protecting the department's money in case a LAG project fails.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Don Brazelton (water supply fees)

Don Brazelton, Executive Secretary - Iowa Association of County Conservation Boards, stated that since he last appeared before the Commission he has received information from a survey of their membership in relation to the proposed water supply fee rules. He related that 55 county conservation boards (CCB) reported they have 126 wells that would come under the guidelines of the rules. After June 30, 1997, those boards would incur \$70,560 in fees. Some of the boards have ten wells each, and if they are located in ten separate areas it would relate to \$5,600 in fees

per year. Mr. Brazelton noted that an additional problem for CCB's relates to sign policy requirements by DOT. He related that one of the DOT requirements to obtain signage off a state highway is that there must be a public water supply. He added that some of the boards might plug the wells, rather than pay the additional costs. In turn, that would lower the availability and awareness of the public to the public use areas. He distributed copies of the Association's original comments that were provided to the Commission in December.

L. D. McMullen (water supply fees)

L.D. McMullen, Des Moines Water Works Director, stated that in the past month he has been working with the DNR staff and were able to come up with a proposal that ended up meeting some of the needs of DNR and also some of the concerns of the industry. Part of the proposal accepted by the department was to lower the base fee as well as lowering the threshold population where the fee would kick in on a per capita basis. Also established was a maximum cap that a community or utility would have to pay. He related that one important part the department did not pick up was the issue of fees in future years. He noted that EPA has a 6-8 month moratorium on any new regulations in the drinking water area. Mr. McMullen related that due to continuing changes in EPA it is premature to adopt rules establishing fees out into the future. He urged the Commission to defer the water supply fee schedules beyond 1996. Mr. McMullen introduced Dawn Goodrich and noted that she will be their coordinator with the various state agencies the DMWW work with.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the division level, YTD expenditure status report. With the exception of Parks, the divisions are within their overall budget guidelines. Following are notes commenting on some of the more significant budget variances.

Director's Office/I&E Bureau: The overage in *other supplies* relates to purchase of program materials for the Aquatic Education program. This is an annual expenditure occurring early in the fiscal year, resulting in an apparent overage when viewed on a YTD basis.

Administrative Services Division: The central DP billing is first charged to ASD, and then spread to other programs. Only July's expense has been spread at this point. This overage will be handled when remaining billings are handled. This is expected to occur in January. The overage in Professional Services relates to contract technical assistance for the PC network. The *Other Exp* line involves indirect charges for central services costs and DNR worker compensation billings. The central service charges have not yet been negotiated with DRF.

Parks, Preserves & Recreation Division: As previously noted, this division is over budget due primarily to a continuing high level of maintenance relating to the 1993 floods and high park usage in 1994. This will be compensated for by higher than estimated camping receipts.

Energy & Geology Division: *Professional services* involves many separate grants and projects, and a major cooperative program with the USGS. Expenditures do not flow evenly from these projects, resulting in this budget line significantly under budget.

Environmental Protection Division: The expansion of the Air and Water programs assumed full staffing throughout the year. \$6.6 million in receipts was budgeted to support the Air program expansion. Implementation is occurring throughout the year, resulting in this budget appearing to be significantly under projected status.

Fish & Wildlife Division: The variances in the individual budget lines generally cancel each other, except for the equipment line. Overall, the division's budget status is satisfactory.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	941,578	970,715	485,358	471,940	13,418
PERS TRV IN	36,778	53,100	22,302	21,311	991
STATE VEHICL	4,347	7,931	3,966	1,933	2,033
DEPRECIATION	7,755	12,640	6,320	3,930	2,390
PERS TRV OUT	8,273	9,500	3,990	3,588	402
OFF SUPPLY	75,525	104,076	43,712	32,674	11,038
FAC MAINT SU	1,028	6,000	2,520	3	2,517
EQUIP MAINT	3,540	6,850	2,877	1,437	1,440
OTHER SUPPLY	39,327	65,899	27,678	42,087	(14,409)
PRINT & BIND	299,648	293,510	123,274	72,224	51,050
UNIFORMS	306	2,150	903	910	(7)
COMMUNICATIO	22,957	26,900	11,298	9,293	2,005
RENTALS	1,287	1,500	630	858	(228)
UTILITIES	218	750	315	60	255
PROF SERV	89,165	70,568	28,227	20,204	8,023
OUTSIDE SERV	25,614	28,550	11,991	4,516	7,475
ADVER PUB	0	6,000	2,520	0	2,520
DATA PROC	13,979	14,050	5,901	1,896	4,005

REIMBURSEMENT	2,060	6,175	2,594	277	2,317
EQUIPMENT	34,828	30,724	18,434	16,200	2,234
OTHER EXP	100	2,600	1,092	0	1,092
	<u>1,608,313</u>	<u>1,720,188</u>	<u>805,901</u>	<u>705,341</u>	<u>100,560</u>

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	3,544,312	3,598,211	1,799,106	1,763,219	35,887
PERS TRV IN	36,797	48,050	20,181	14,075	6,106
STATE VEHICL	48,733	57,000	28,500	23,875	4,625
DEPRECIATION	145,319	80,500	40,250	34,270	5,980
PERS TRV OUT	4,784	7,300	3,066	6,296	(3,230)
OFF SUPPLY	314,207	315,255	132,407	128,192	4,215
FAC MAINT SU	2,091	21,000	8,820	240	8,580
EQUIP MAINT	45,040	52,000	21,840	13,361	8,479
OTHER SUPPLY	8,005	14,300	6,006	1,585	4,421
PRINT & BIND	21,116	14,500	6,090	5,198	892
UNIFORMS	2,460	2,500	1,050	1,833	(783)
COMMUNICATIO	98,778	97,100	40,782	32,355	8,427
RENTALS	503	500	210	184	26
UTILITIES	527	0	0	282	(282)
PROF SERV	62,018	40,000	16,000	25,621	(9,621)
OUTSIDE SERV	28,369	73,650	30,933	8,206	22,727
ADVER PUB	0	500	210	20	190
DATA PROC	188,477	97,000	40,740	116,786	(76,046)
AUDITOR REIM	163,645	160,000	64,000	56,753	7,247
REIMBURSEMENT	183,548	117,150	49,203	39,691	9,512
EQUIPMENT	173,698	158,508	95,105	95,399	(294)
OTHER EXP	383,632	165,320	69,434	0	69,434
LICENSES	0	50	21	0	21
	<u>5,456,059</u>	<u>5,120,394</u>	<u>2,473,954</u>	<u>2,367,441</u>	<u>106,513</u>

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	4,378,069	4,475,451	2,237,726	2,218,504	19,222
SEASONAL HELP	1,278,892	1,345,012	820,457	959,242	(138,785)
PERS TRV IN	72,376	57,274	24,055	29,747	(5,692)
STATE VEHICL	212,137	204,800	102,400	113,525	(11,125)
DEPRECIATION	304,490	296,900	148,450	149,085	(635)
PERS TRV OUT	4,998	7,585	3,186	1,947	1,239
OFF SUPPLY	33,046	35,700	14,994	24,437	(9,443)
FAC MAINT SU	500,824	479,500	201,390	248,101	(46,711)
EQUIP MAINT	400,521	286,749	120,435	167,280	(46,845)
AG CONS SUPP	67,853	26,792	11,253	10,981	272
OTHER SUPPLY	39,315	36,194	15,201	16,693	(1,492)
PRINT & BIND	54,853	24,000	10,080	3,954	6,126
UNIFORMS	31,530	31,577	13,262	15,969	(2,707)
COMMUNICATIO	98,313	98,002	41,161	37,901	3,260
RENTALS	37,023	34,900	14,658	26,334	(11,676)
UTILITIES	432,202	401,951	168,819	182,598	(13,779)
PROF SERV	97,181	62,408	24,963	6,410	18,553
OUTSIDE SERV	221,882	179,852	75,538	102,529	(26,991)
ADVER PUB	1,070	1,050	441	412	29
DATA PROC	4,555	5,000	2,100	499	1,601
REIMBURSEMENT	7,084	2,425	1,019	1,900	(882)
EQUIPMENT	203,645	202,000	121,200	82,297	38,903
OTHER EXP	776	4,700	1,974	0	1,974
LICENSES	512	697	293	74	219
	8,483,147	8,300,519	4,175,054	4,400,419	(225,365)

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	1,700,668	1,762,827	881,414	844,709	36,705
SEASONAL HELP	93,663	110,874	67,633	36,891	30,742
PERS TRV IN	34,236	43,500	18,270	18,251	19
STATE VEHICL	68,031	91,000	45,500	32,840	12,660
DEPRECIATION	133,145	139,700	69,850	67,350	2,500
PERS TRV OUT	7,996	9,300	3,906	4,347	(441)
OFF SUPPLY	16,770	20,300	8,526	15,452	(6,926)
FAC MAINT SU	50,454	44,000	18,480	16,194	2,286
EQUIP MAINT	59,574	57,000	23,940	24,306	(366)
AG CONS SUPP	130,342	144,000	60,480	67,087	(6,607)
OTHER SUPPLY	39,763	39,900	16,758	3,697	13,061
PRINT & BIND	5,909	15,500	6,510	1,720	4,790
UNIFORMS	8,066	15,600	6,552	3,357	3,195
COMMUNICATIO	31,170	43,669	18,341	12,716	5,625
RENTALS	34,925	36,000	15,120	7,012	8,108
UTILITIES	28,690	37,000	15,540	7,936	7,604
PROF SERV	0	500	200	0	200
OUTSIDE SERV	59,777	68,500	28,770	9,917	18,853
ADVER PUB	406	2,000	840	49	791
DATA PROC	19,776	3,300	1,386	83	1,303
REIMBURSMENT	918	550	231	0	231
EQUIPMENT	74,077	115,931	69,559	80,382	(10,823)
	2,598,356	2,800,951	1,377,805	1,254,296	123,509

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	2,254,092	2,396,255	1,198,128	1,102,798	95,330
PERS TRV IN	20,252	39,893	16,755	8,552	8,203
STATE VEHICL	12,298	19,000	9,500	5,599	3,901
DEPRECIATION	25,560	30,500	15,250	11,945	3,305
PERS TRV OUT	41,042	66,696	28,012	21,936	6,076
OFF SUPPLY	30,407	34,560	14,515	14,191	324
FAC MAINT SU	2,284	1,700	714	27	687
EQUIP MAINT	3,212	8,350	3,507	1,185	2,322
PROF SUPPLY	977	5,121	2,151	156	1,995
OTHER SUPPLY	21,530	36,953	15,520	8,067	7,453
PRINT & BIND	31,317	49,700	20,874	7,504	13,370
UNIFORMS	0	1,000	420	67	353
COMMUNICATIO	40,457	45,850	19,257	15,063	4,194
RENTALS	2,194	500	210	2,413	(2,203)
UTILITIES	19,980	18,400	7,728	5,825	1,903
PROF SERV	767,256	1,352,826	541,130	176,268	364,862
OUTSIDE SERV	21,166	75,677	31,784	19,680	12,104
ADVER PUB	460	0	0	129	(129)
DATA PROC	13,584	22,900	9,618	2,024	7,594
REIMBURSMENT	5,306	7,330	3,079	1,229	1,850
EQUIPMENT	94,217	105,945	63,567	28,620	34,947
OTHER EXP	4,639	25,409	10,672	0	10,672
	3,412,230	4,344,565	2,012,391	1,433,278	579,113

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	7,539,956	8,584,860	4,292,430	3,785,954	506,476
PERS TRV IN	52,321	143,000	60,060	21,507	38,553
STATE VEHICL	38,614	48,500	24,250	21,030	3,220
DEPRECIATION	62,205	70,500	35,250	30,850	4,400
PERS TRV OUT	68,533	165,114	69,348	25,976	43,372
OFF SUPPLY	75,264	110,469	46,397	52,826	(6,429)
FAC MAINT SU	989	8,600	3,612	1,738	1,874
EQUIP MAINT	14,440	17,000	7,140	4,986	2,154
PROF SUPPLY	0	1,350	567	0	567
OTHER SUPPLY	21,959	44,050	18,501	7,835	10,666
PRINT & BIND	58,487	82,050	34,461	40,854	(6,393)
UNIFORMS	1,992	4,500	1,890	1,313	577
COMMUNICATIO	150,998	162,600	68,292	59,572	8,720
RENTALS	65,589	66,500	27,930	31,468	(3,538)
UTILITIES	17,622	24,811	10,421	5,352	5,069
PROF SERV	1,441,690	5,067,139	2,026,856	592,269	1,434,587
OUTSIDE SERV	84,580	71,080	29,854	34,235	(4,381)
INTRA TRANSF	0	404,000	169,680	0	169,680
ADVER PUB	6,536	10,600	4,452	2,006	2,446
DATA PROC	165,651	239,206	100,467	17,630	82,837
REIMBURSEMENT	23,854	45,650	19,173	5,958	13,215
EQUIPMENT	323,387	2,772,339	1,663,403	321,860	1,341,543
OTHER EXP	8,650	23,250	9,765	0	9,765
	10,223,317	18,167,168	8,724,198	5,065,219	3,658,979

FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	11,725,190	11,802,780	5,901,390	5,928,721	(27,331)
SEASONAL HELP	621,243	781,508	476,720	419,481	57,239
PERS TRV IN	345,439	351,280	147,538	150,432	(2,894)
STATE VEHICL	505,451	497,386	248,693	271,232	(22,539)
DEPRECIATION	678,010	754,723	377,362	346,095	31,267
PERS TRV OUT	30,179	40,400	16,968	16,959	9
OFF SUPPLY	329,984	334,118	140,330	188,104	(47,774)
FAC MAINT SU	401,632	491,580	206,464	127,018	79,446
EQUIP MAINT	361,965	350,436	147,183	204,737	(57,554)
AG CONS SUPP	294,457	382,075	160,472	111,245	49,227
OTHER SUPPLY	152,016	105,707	44,397	94,457	(50,060)
PRINT & BIND	157,197	224,375	94,238	94,226	12
UNIFORMS	106,426	134,675	56,564	53,045	3,519
COMMUNICATIO	236,569	207,200	87,024	110,845	(23,821)
RENTALS	56,926	73,535	30,885	16,161	14,724
UTILITIES	212,848	226,116	94,969	76,446	18,523
PROF SERV	134,334	411,009	164,404	151,778	12,626
OUTSIDE SERV	207,047	162,812	68,381	114,855	(46,474)
ADVER PUB	2,024	2,600	1,092	611	481
DATA PROC	69,538	54,000	22,680	2,664	20,016
REIMBURSMENT	68,912	68,450	28,749	14,219	14,530
EQUIPMENT	439,667	1,258,954	755,372	296,441	458,931
OTHER EXP	1,897	600	252	3,295	(3,043)
LICENSES	46	300	126	11	115
	17,138,997	18,716,619	9,272,249	8,793,078	479,171

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY94	Budget FY95	YTD Budget 12/31/94	YTD Actual 12/31/94	Under (Over)
PERS SERV	710,567	750,557	375,279	376,970	(1,692)
PERS TRV IN	27,240	34,300	14,406	14,703	(297)
PERS TRV OUT	22,096	47,200	19,824	9,463	10,361
OFF SUPPLY	6,849	26,200	11,004	4,082	6,922
EQUIP MAINT	0	3,150	1,323	233	1,090
OTHER SUPPLY	7,665	5,585	2,346	1,710	636
PRINT & BIND	31,417	51,324	21,556	17,631	3,925
UNIFORMS	0	100	42	0	42
COMMUNICATIO	14,989	17,500	7,350	4,787	2,563
RENTALS	889	1,550	651	400	251
PROF SERV	66,367	118,411	47,364	28,457	18,907
OUTSIDE SERV	9,218	14,300	6,006	884	5,122
ADVER PUB	1,614	2,600	1,092	0	1,092
DATA PROC	7,270	7,600	3,192	537	2,655
REIMBURSEMENT	16,575	23,100	9,702	6,040	3,662
EQUIPMENT	0	15,700	9,420	9,674	(254)
OTHER EXP	4,639	5,700	2,394	0	2,394
	927,395	1,124,877	532,951	475,571	57,380

Mr. Kuhn briefly explained the financial reports and distributed copies of the Governor's budget recommendations in comparison with the department's budget request. He noted that the department requested \$10 million for REAP and the Governor is requesting only \$7 million.

INFORMATIONAL ONLY

CLINTON COUNTY AREA SOLID WASTE AGENCY REGIONAL COLLECTION CENTER GRANT CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

In FY 1993, proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and conditionally exempt

small quantity generators (CESQG) are conducted prior to transportation of these wastes to the final disposal site.

After careful evaluation the Clinton County Area Solid Waste Agency's proposal was one of three proposals to be given preliminary approval for a RCC grant pending submittal of their solid waste permitting information.

The Clinton County Area Solid Waste Agency received a solid waste permit for their RCC in November, 1994. Construction of their RCC will take place early in the spring. This center hopes to begin collecting household hazardous wastes and CESQG hazardous wastes in May.

The Clinton County Area Solid Waste Agency has requested a grant of \$99,995 to assist in the establishment of their RCC. The region served by this center also includes Cedar and Jackson Counties.

A draft of the Scope of Work, Milestones and Budget for the contractor (Clinton County Area Solid Waste Agency) is attached. Approval is requested for the director to enter into a contract with the Clinton County Area Solid Waste Agency.

REGIONAL COLLECTION CENTER GRANT CONTRACT

IOWA DEPARTMENT OF NATURAL RESOURCES

Contractor:

Clinton County Area Solid Waste Agency
Box 996
Clinton, IA 52733-0996

Grant Contract Number:

95-G592-02

Federal ID Number:

42-6230750

Contractor Officer:

Charles Goddard
Phone: (319)243-4749

Grant Amount:

\$99,995.00

Grant Contract Title:

A grant to assist in the establishment of a Regional Collection Center with a mobile unit.

DNR Project Officer:

Jeffrey C. Fiagle
Waste Management Assistance Division

Distribution Copies:

Copy 1: DNR
Copy 2: Contractor

Time of Performance:

January 1, 1995 through December 31, 1995

Time of Final Report:

January 31, 1996

Term of Contract:

January 1, 1995 through January 31, 1996

Submit Claim Voucher To:
Attention: Pam Brown

Iowa Department of Natural Resources
Administrative Services Division
Wallace State Office Building
Des Moines, Iowa 50319-0034
Phone: 515-281-8499

Issue Payment To:

Clinton County Area Solid Waste
Agency
Box 996
Clinton, IA 52733-0996

SPECIAL CONDITIONS AND GENERAL CONDITIONS

The Contractor agrees to deliver all supplies and perform all services set forth in the attached Special Conditions. The rights and obligations of the parties to this Grant Contract shall be subject to and governed by the Attachments, the Special Conditions and the General Conditions. To the extent of any inconsistency between the Attachments, the Special Conditions and the General Conditions and any specifications or other conditions which are made a part of this Grant Contract by reference or otherwise, the provisions of the Special and the General Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the provisions of the Special Conditions shall take precedence.

SPECIAL CONDITIONS

ARTICLE I. IDENTIFICATION OF PARTIES THE PROJECT AND PROJECT AREA

This Contract is entered into by and between the Clinton County Area Solid Waste Agency (hereinafter referred to as the Contractor) and the Iowa Department of Natural Resources (hereinafter referred to as the Department) for the purpose of establishing a Regional Collection Center (hereinafter referred to as the Project). The Project Area is, at a minimum, defined as, Clinton, Cedar, and Jackson County.

ARTICLE II. DESIGNATION OF OFFICIALS

- 2.1 Department. The Director of the Department is the official authorized to execute any changes in the terms, conditions, or amounts specified in this Contract. Teresa D. Hay is designated to negotiate on behalf of the Department and, subject to the approval of the Director, make any changes to this Contract.
- 2.2 Contractor. The Contractor Officer authorized to execute any changes in the terms, conditions, or amounts specified in this Contract is as indicated on the title page of this Contract.
- 2.3 Key Personnel for Contract.

Teresa D. Hay, Iowa Department of Natural Resources
Charles Goddard, Contractor Officer, Clinton County Area Solid Waste Agency
Jeffrey C. Fiagle, Iowa Department of Natural Resources

ARTICLE III. TIME OF PERFORMANCE, TIME OF FINAL REPORT AND TERM OF CONTRACT

- 3.1 The Contractor shall commence work on this Contract on the beginning date and complete primary contract tasks by the ending date, as set forth on the title page of this Contract under "Time of Performance", unless changed by mutual written agreement. Primary contract tasks include all actions and/or submittals required of the Contractor except as identified as secondary contract tasks in ARTICLE 3.2.
- 3.2 The Contractor shall complete secondary Contract tasks by the "Time of Final Report" as identified on the title page of this Contract, unless changed by mutual written agreement. Secondary contract tasks include submittal of the pictorial history and final report as set forth in ARTICLE V, Scope of Work, 5.9 and 5.10 and ARTICLE VII, Reports, 7.3; submittal of detailed and documented description of all costs and expenses for the Project as set forth in ARTICLE VII, Reports, 7.4.
- 3.3 The Contract remains open for the "Term of Contract" as stated on the title page of this Contract.
-

ARTICLE IV. STATEMENT OF PURPOSE

This Contract is entered into to establish a regional collection center, mobile collection unit and the center's public education program. The Contractor shall assist the Department to promote the information gained from this Project to other public and private sector entities. Results of the Project and any information gained as a result of this grant, becomes public information.

ARTICLE V. SCOPE OF WORK

The contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 5.1 **Project description.** The Contractor will establish a structure or structures and a mobile collection unit to serve as a regional collection center (RCC) and it's public education program within a region that serves as a minimum, Clinton, Cedar, and Jackson Counties.
- 5.2 **RCC operation.** The contractor will collect hazardous wastes from urban and rural households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.
- 5.3 **RCC education program, households.** The RCC will establish a public education program that will stress identification of household hazardous materials (HHM), source reduction, and the proper disposal of household hazardous wastes.
- 5.3.1 The education program will show a commitment to working with local schools, libraries, and the regional population in general. The education program shall incorporate the Department's Retailer's Consumer Education Program and other Department HHM programs when appropriate.
- 5.4 **RCC education program, Conditionally Exempt Small Quantity Generators (CESQG).** The contractor will establish an education program that will facilitate access

to the appropriate technical information to assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

- 5.5 **Public awareness, publicity campaign.** The contractor shall initiate a communications program to inform targeted audiences about the RCC. The communications program will consist of, at a minimum, preparation and distribution of brochures to households and CESQGs at the time of project start-up and appropriate advertisements to be placed on radio, television and in area newspapers.

5.5.1 **Public awareness, open house.** The Contractor shall conduct at least one open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote the RCC and shall inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.

5.6 **Project monitoring.** The contractor shall document and monitor the source of wastes within the region including the pounds of wastes collected, estimated participation rates, and the level of revenues and expenditures associated with the Project. Monitoring results shall be reported in monthly and final reports to the Department as described in 5.9 and 5.11.

5.7 **Permitting.** The Contractor shall obtain a solid waste permit from the Environmental Protection Division of the Department (515-281-8941) before the Project begins.

5.8 **Purchases.** The Contractor agrees to make a concerted effort to award at least ten percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services to targeted businesses (minority owned businesses or women owned businesses). The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional item of equipment, supplies, construction or services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations within five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property purchased solely with funds provided pursuant to this Contract unless the failure or cessation of the project is the result of circumstances beyond the control of the contractor despite the exercise of due diligence. In the event any nonexpendable tangible personal property item or items purchased or constructed, using grant funds, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of

the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.9 **Monthly reports.** The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.11.

5.10 **Pictorial history.** The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.11.

5.11 **Final report.** The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.10 with special attention given to the following items:

- 1) Information on the source of wastes within the Contractor's region including the pounds of wastes collected, collection schedule, and estimated participation rates associated with the Project. The impact of public education programs. A description of Project costs and revenues. Conclusions and recommendations regarding the Project.
- 2) The environmental impact of the Project.
- 3) Assessment of the viability of conducting this type of project in other regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.
- 6) Copies of educational materials, fliers, newspaper and magazine articles, news releases, and other written, audio, and pictorial materials that educate or promote the project.

ARTICLE VI. MILESTONES

<u>DATE</u>	<u>ACTIVITY</u>
January 1, 1995	Construction begins

January 1, 1995	Funding of education program begins
March 31, 1995	Construction ends
May 1, 1995	Collection of household and CESQG hazardous waste begins
May 1, 1995	Begin data monitoring of collections
Spring 1995	Open House Held
December 31, 1995	Funding of education program ends
December 31, 1995	End data monitoring
January 31, 1996	Final Report and Pictorial History due to the Department

ATTACHMENT A

PAYMENT AGENT AND BUDGET*

Payment made to:

Clinton County Area Solid Waste Agency
P. O. Box 996
Clinton, IA 52733-0096

ITEM	TOTAL COST	DNR GRANT	LOCAL SHARE
Permanent Building	\$ 20,800	\$ 20,800	0
Site Work	\$ 3,000	\$ 1,500	\$ 1,500
Wiring	\$ 400	0	\$ 400
RCC Mobile Unit	\$ 28,940	\$ 28,940	0
Truck	\$ 21,500	\$ 21,500	0
Equipment	\$ 1,000	\$ 1,000	0
Safety Equipment	\$ 1,000	\$ 1,000	0

* Budget includes materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as a RCC, site modification, up to 50% of the education program, equipment and initial staffing costs (Iowa Administrative Code 567-211.5).

Initial Staff Training	\$ 5,000	\$ 2,500	\$ 2,500
Education Program	\$ 49,510	\$ 21,255	\$ 28,255
Barrels	\$ 3,000	0	\$ 3,000
Bulking Materials	\$ 1,000	0	\$ 1,000
Miscellaneous	\$ 350	0	\$ 350
Vehicle O & M	\$ 150	0	\$ 150
Testing Equipment	\$ 1,500	\$ 1,500	0
Insurance	\$ 15,000	0	\$ 15,000
Personal Protective Equipment	\$ 750	0	\$ 750
Disposal	\$ 50,000	0	\$ 50,000
Total	\$ 202,900	\$ 99,995	\$ 102,905

Mr. Kuhn explained details of the contract.

Motion was made by Charlotte Mohr to approve the Clinton County Solid Waste Agency RCC Grant Contract in the amount of \$99,995. Seconded by Rozanne King. Motion carried unanimously.

Rozanne King asked what impact the close proximity of Illinois would have on this facility.

Director Wilson explained that RCC's basically provide the same service as those that are provided at periodic Toxic Cleanup Days events, except RCC's provide the service all year long.

Commissioner King asked, other than the grant, where the money comes from.

Mr. Kuhn replied that money is available through solid waste agencies budget authority, from fees they collect locally.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
January 1, 1995

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22, and 25 - Air Quality	*2/20/95	*3/15/95	*4/10/95	*4/ /95	*5/22/95	*5/22/95	*6/21/95	*7/11/95	*7/26/95
2. Ch. 22 - Air Quality Construction Permits	11/21/94	12/21/94	*1/19/95	*1/23/95	*2/20/95	*2/20/95	*3/15/95	*4/10/95	*4/19/95
3. Ch. 23 - Open Burning	6/20/94	7/20/94	8/09/94	8/22/94	*2/20/95	*2/20/95	*3/15/95	*4/10/95	*4/19/95
4. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	10/12/94	11/08/94	11/01/94 11/02/94 11/03/94 11/04/94	1/17/95	*1/17/95	*2/15/95	*3/14/95	*3/22/95
5. Ch. 42 - Laboratory Certifications	10/17/94	11/09/94	*12/13/94	11/29/94 11/30/94	1/17/95	*1/17/95	*2/15/94	*3/14/95	*3/22/95
6. Ch. 61 - Stream Use Classification	1/17/95	*2/15/95	*3/14/95	*3/ /95	*4/17/95	*4/17/95	*5/10/95	*6/05/95	*6/14/95
7. Ch. 145 - Household Batteries	11/21/94	12/21/94	*1/19/95	*1/11/95	*2/20/95	*2/20/95	*3/15/95	*4/10/95	*4/12/95

* Projected

MONTHLY VARIANCE REPORT						
Month: December, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Rockford	Air Quality		Separation Distance	Approved	12/01/94
2.	Minnesota Valley Forest Products, Inc. - Little Cedar, Iowa	Air Quality		Trade Waste	Denied	12/03/94
3.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Sludge Holding Tank-Aeration & Mixing	Approved	12/01/94
4.	City of George	Flood Plain		Freeboard	Approved	12/06/94
5.	Hamilton County - Brewers Creek Bridge	Flood Plain	Calhoun-Burns and Associates, Inc.	Freeboard	Approved	12/23/94
6.	Gemini Incorporated - Decorah	Wastewater Operations		Monitoring Frequency	Approved	12/08/94
7.	Marshall County Sanitary Landfill	Solid Waste	Fox Engineering, Inc.	Liner	Approved	12/12/94
8.	Fansteel-Wellman Dynamics Sanitary Landfill - Creston	Solid Waste		Gas Control	Approved	12/12/94
9.	Climax Molybdenum, Inc.-Industrial Waste Landfill	Solid Waste	Green Environmental Services, Inc.	Gas Control	Approved	12/21/94
10.	Viking Pump Foundry Sand Landfill - Cedar Falls	Solid Waste	Montgomery Watson	Cover	Approved	12/21/94
11.	Chicago & Northwestern Transportation Co.-Marshall County	Watersupply Construction	Dahl & Associates, St. Paul, MN	Design Basis	Approved	12/05/94
12.	Fox Creek Benefited Water District	Watersupply Construction	Bishop Engineering, Inc.	Siting Criteria	Denied	12/05/94
13.	Southern Iowa Rural Water Association	Watersupply Construction	Howard R. Green Co.	Duplication Requirements	Approved	12/16/94

Report of Hazardous Conditions

During the period December 1, 1994, through December 31, 1994, reports of 52 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
12/07/94 Scott	A truck hit a guard rail on an overpass. Both saddle tanks were damaged, releasing 150 gallons of diesel fuel onto the highway and median. The incident occurred in Davenport. No waterways were impacted.	J.B. Hunt Lowell, Arkansas	A company was hired to absorb the fuel, excavate contaminated soil, and properly dispose of the material at the local landfill.
12/13/94 Woodbury	An explosion occurred at a fertilizer production facility in Sergeant Bluff. At least 1600 tons of anhydrous ammonia and 20,000 gallons of nitric acid were released. 4 people were killed and 16 people were injured.	Terra Chemicals, Inc. 1182 260th St. Sergeant Bluff, IA	The cause of the explosion has not been determined. The company hired contractors to help stabilize the plant after the incident. Cleanup and recovery are expected to take up to one year.

Substance						Mode				
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(56)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December	52(41)	27(30)	2(2)	23(9)	38(23)	1(0)	12(14)	0(2)	0(0)	1(2)
January										
February										
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
10	7	6	0	14	15

NUMBER OF LUST CLEANUPS COMPLETED

During the period of December 1, 1994 through December 31, 1994, the following number of LUST cleanups were completed:

25(829)

The number in parentheses represents the total number of LUST cleanups through December 31, 1994.

NUMBER OF LOW RISK SITES APPROVED

During the period of December 1, 1994 through December 31, 1994, the following number of low risk sites were approved:

66(571)

The number in parentheses represents the total number of low risk LUST sites through December 31, 1994.

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of December 1, 1994 through December 31, 1994, the following number of releases from underground storage tanks were identified.

13 (10)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Steamboat Rock Water Department (2)	Drinking Water	MCL - Bacteria	Order	12/09/94
Honan Holding's USA, Inc. Hamburg (4)	Wastewater	Monitoring/Reporting	Order/Penalty \$500	12/09/94
Belmond, City of (2)	Wastewater	Discharge Limits	Order	12/09/94
Sherman Place Water & Roads, Inc., Decorah (1)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty \$650	12/09/94
Henry and Randy Krohn d/b/a Krohn Construction, Dallas County (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$4,000	12/09/94
Simonsen Industries, Inc., Cherokee County (3)	Wastewater	Discharge Limits	Order/Penalty \$5,000	12/14/94
Winterset, City of (5)	Wastewater	Compliance Schedule	Order	12/20/94
Jasper County Board of Supervisors; Jasper County Care Facility (5)	Wastewater	Compliance Schedule; Discharge Limits	Order	12/20/94
Rome, City of (6)	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty \$350	12/20/94
Hubert Vote d/b/a Vote House Moving, Gilmore City (2)	Air Quality	Asbestos	Order/Penalty \$6,000	12/22/94
Gilmore City-Bradgate Comm. School, Gilmore City (2)	Air Quality	Asbestos	Order/Penalty \$6,000	12/22/94
Allan Brandhoij d/b/a Brandhoij Const., Gilmore City (2)	Air Quality	Asbestos	Order/Penalty \$6,000	12/22/94

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
American Demolition of Iowa (Cedar Rapids)	AQ	6,000	7-04-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
McCarthy Homeowners Assn. (LeClaire)	WS	275	8-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Pacific Junction, City of	WS	1,000	8-27-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Ledges Water District (Boone)	WS	275	9-02-94

*Payment Schedule

Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Kalo Well Company (Otho)	WS	110	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Western Hills Light and Water (Algona)	WS	100	10-24-94
Oxford, City of	WS	100	10-25-94
Pioneer, City of	WS	100	10-26-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	WW	10,000	11-30-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Waste Management & Design, Inc. (Webster City)	WW	7,200	1-10-95
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	2,500	1-23-95
Henry and Randy Krohn d/b/a Krohn Const. (Waukeg)	AQ/SW	4,000	2-14-95
Honan Holdings USA, Inc./Manildra Energy (Hamburg)	WW	500	2-15-94
Sherman Place Water & Roads, Inc. (Decorah)	WS	650	2-15-94
Rome, City of	WW	350	2-23-95
Hubert Vote d/b/a Vote House Moving (Gilmore City)	AQ	6,000	2-24-95
Allan Brandhoij d/b/a Brandhoij Const. (Gilmore City)	AQ	6,000	2-24-95
Edward Bodenstener (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000	-----
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000	-----
TOTAL		127,065	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94

*Payment Schedule

TOTAL 23,218

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Woodburn, City of	WS	550
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000
Sara Lee Corporation (New Hampton)	WW	10,000
Creston, City of	WW	1,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300

*Payment Schedule

Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Dickens, City of	WS	550
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
South High Point Well Assn. #2 (Iowa City)	WS	110
Louis Rich Company (Sigourney)	WS	500
Pleasant Creek Estates Assn. (Shellsburg)	WS	275
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
Rolling Hills Mobile Home Park (Nevada)	WW	1,000
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
Rome, City of	WS	550
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Boomsma's, Inc. (Alden)	WW	2,500
A.J. DeCoster (Wright Co.)	AQ	1,000
A.J. DeCoster (Wright Co.)	WW	2,500
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Eagle Lane Corporation (Blue Grass)	WS	275
Twin View Heights (Solon)	WS	500
Pettengill Concrete and Gravel, Inc. (Rock Rapids)	FP	10,000
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Bork Transport, Inc. (Des Moines)	UT	1,000
TOTAL		375,976

*Payment Schedule

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Jack Thiel, Inc. (Remsen)	UT	300
Pathway Christian School (Kalona)	WS	100
Richard Newman (Des Moines Co.)	SW	479
Frontier Cooperative Herbs (Vinton)	AQ	2,500
Hopkinton Municipal Utilities	WS	100
The Heights (Monticello)	WS	500
Green Acres Mobile Home Village I (Evansdale)	WS	50
*Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	500
TOTAL		4,529

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 1995

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)		Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)		Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
American Demolition Corp. Cedar Rapids (1)		Air Quality	Asbestos	Order/Penalty	Referred	10/17/94
Ampel Corporation Des Moines (5)	Updated	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing Ruling/Defense Attorney Disqualified Trial Date	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94 12/06/94 3/20/95
Bodwell, Robert Winterset (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	2/21/94 7/21/94
Brokaw, Ray d/b/a The Heights Monticello (1)	Updated	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty	Referred Motion for Judgment \$500 Admin. Penalty Paid	9/19/94 10/27/94 12/1/94
Browns, Jay Murray (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Trial Date	6/20/94 8/24/94 4/11/95
Buffalo Bill Estates Clinton Co. (6)		Drinking Water	Monitoring/Reporting MCL - Bacteria	Order/Penalty	Referred Petition Filed	8/15/94 11/16/94
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR		Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94

January 1995

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 January 1, 1995

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	7/18/94 10/12/94
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Continued	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Continued	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred	10/17/94
Bob McKiniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator; Worth Co. Co-op Oil Amoco v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93 12/07/93 12/28/92 3/10/93 12/15/92 1/04/93 3/10/93
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	11/21/94

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment 6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred	10/17/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	3/21/94 9/08/94
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co (2) vs. IDNR	Updated	Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling Order Implementing Ruling 9/16/94 10/06/94 10/20/94 10/31/94 11/03/94 12/23/94
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Trial Date	11/15/93 12/30/93 3/13/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwein Soil Service	Administrative Order	WM	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court. Arguments - 9/15/94.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	8/94-Follow-up letter to city attorney regarding resolving appeal. 9/94 response from city attorney. 11/1/94 letter to city attorney regarding appeal. 12/94 Settlement offer received from City.

January 1995

Environmental Protection Commission Minutes

 DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 January 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Closed.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing set for 4/11/95.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 letter to facility attorney regarding site assessment. 12/94 Letter from attorney - new work plan submitted to F.O. 3.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settled.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Settled.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Settlement close.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Final decision 10/17/94.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.

January 1995

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 January 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	On appeal to District Court. Compliance initiated.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Hearing set for 1/26-27/95.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Final decision. Referred to EPC 11/21/94.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Settlement close.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade. 12/94 - Additional funding authorized by City - project ready to go.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement offer pending.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.

E95Jan-44

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 CONTESTED CASES
 January 1, 1995

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Proposed decision appealed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Hearing rescheduled for 2/7/95.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	SCR overdue. Letter sent. Penalty on appeal. Compliance initiated.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/11/94	Creston, City of	Administrative Order	WW	Hansen	EPD meeting with City 10/28/94.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Negotiating before filing.
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Hearing set for 1/13/95.
5/27/94	Joseph L. Ranker; Darl Hollingsworth	Administrative Order	UT	Wornson	Compliance initiated.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately and be completed by summer of 1995.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.

January 1995

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
January 1, 1995

Commission Minutes

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	To be sent to DIA.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Negotiating before filing..
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Hearing set for 1/9/95.
7/05/94	Cotter Elementary School	Administrative Order	WS	Clark	Settled.
7/06/94	Dickens Water Works	Administrative Order	WS	Clark	Settlement close.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	Negotiating before filing.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pathway Christian School	Administrative Order	WS	Clark	Appeal dismissed.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	10/7/94 Letter to facility regarding appeal. 11/14/94 Follow-up letter to facility. To be sent to DIA.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Green Acres MH Villa I	Administrative Order	WS	Clark	Penalty paid. Settled.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis Rich Co.	Administrative Order	WS	Hansen	11/14/94 Follow-up letter to facility regarding settlement.
7/25/94	Kessler's Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued to 7/95 at facility's request.
7/27/94	Twin View Heights 5282301	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement. 12/94 Response from facility - working toward compliance.
7/27/94	Eagle Lane Corporation	Administrative Order	WS	Hansen	10/31/94 Letter to facility regarding appeal. 12/94 - Appeal settled.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Negotiating before filing.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Compliance initiated.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Negotiating before filing.
8/22/94	Rolling Hills MHP	Administrative Order	WW	Hansen	12/94 - Settlement offer from facility accepted by Dept. Settled.

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8/29/94	Atlantic, City of	Administrative Order	WM	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWM Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance Initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WM	Hansen	Settlement meeting 11/02/94.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Hearing set for 1/15/95.
9/06/94	HEW, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SU/AQ	Kennedy	Bankruptcy filed.
9/12/94	Rome Water Supply	Administrative Order	WS	Clark	Negotiating before filing.
9/12/94	Charles Morrison; Bill Minion; Marie Hirman; Robert Bennett, et.al.	Permit Issuance	FP	Clark	Sent to DIA.
9/15/94	David L. Schutz	Administrative Order	WM	Clark	Negotiating before filing.
9/15/94	Bankston	Administrative Order	WS	Hansen	City submitted information to WS for review 11/94 Settlement proposal to City.
9/16/94	Munschel Oil Co.; Vernus Munschel; Jacquelyn Munschel; Mark Munschel (Ida Grove)	Administrative Order	UT	Wornson	Referred to DIA.
9/19/94	Burke Marketing Corp.	Administrative Order	WM	Hansen	Negotiating before filing.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SU/WM	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SU	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WM	Hansen	Negotiating before filing.
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	WM	Clark	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	WM	Clark	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Negotiating before filing.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Negotiating before filing.
11/08/94	Pettengill Concrete & Gravel	Administrative Order	FP	Clark	Settlement close.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Negotiating before filing.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	Negotiating before filing.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	Negotiating before filing.
12/02/94	Bork Transport, Inc.	Administrative Order	UT	Wornson	New case.
12/14/94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	New case.

Mr. Stokes presented the monthly reports. He stated that a report will be given next month with a more precise budget on the Air Quality Program. He reported that \$2.9 million has been received from 340 Title V permit applications, and another three dozen applications are expected. That will bring the total close to the projected 410 applications. Interviews are being held and staff are in the final stages of hiring additional people.

Chairperson Siebenmann asked if there are a lot of applicants for the positions.

Mr. Stokes stated that there were quite a few applicants for the Environmental Specialist positions but not as many for the Environmental Engineer positions.

Terrance Townsend asked if EPA has indicated any concern with staffing levels being lower than what was indicated in the department's implementation plan.

Mr. Stokes stated that he has been in communication with EPA and has submitted additional information addressing approvability issues. He added that the message is getting through to them and progress is being made but the problem is not totally resolved.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTERS 20, 22, 23, AND 25, AIR QUALITY

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft Notice of Intended Action which proposes to amend Chapter 20, "Scope of Title--Definitions--Forms--Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions."

These amendments include updates to references to federal regulations and corrections to the Title V operating permit and acid rain requirements in Chapter 22. A change to the Compliance Sampling Manual is also added.

This Notice is included in the agenda for the Commission's information.

(A copy of the proposed rule is on file in the department's Records Center.)

Mr. Stokes briefly explained the rules noting that they would update references to keep the state rules consistent with federal rules.

Brief discussion followed.

INFORMATIONAL ONLY

**NOTICE OF INTENDED ACTION--CHAPTER 61, WATER QUALITY STANDARDS -
STREAM USE CLASSIFICATION**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested of the attached Notice of Intended Action which would initiate rulemaking to establish aquatic use designations for 90 stream segments. Protected flows would also be established for 23 of those stream segments. The NOIA is essentially the same as the draft NOIA provided the Commission in December. The differences are minor language changes in the preamble, the designation for the North Skunk River in Keokuk and Mahaska Counties as a high quality resource (HQR) from previous rule making, and correction of some locational information on the list of streams. The Commission was previously provided with a map showing the geographical locations of streams that would be affected by the proposed rulemaking.

The proposed stream use classifications are a result of field work conducted during calendar year 1994 to assess the capability of streams to support various aquatic uses as defined in the Commission's water quality standards. The proposed rule is a continuation of the stream use assessment effort begun in 1990. It is anticipated the stream use assessment effort will be completed in 1995.

Reclassification of these stream reaches from the existing General Use classification to a Class B Significant Resource or Limited Resource water may have an impact on a number of wastewater facilities which discharge to these stream segments. A list of the facilities that could be affected was provided to the Commission at their December meeting.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes reviewed the rules and noted that a list of the facilities that may be impacted by this rule was distributed to the Commission last month. He asked the Commission's approval to take the rules to public comment.

Motion was made by Kathryn Murphy to approve Notice of Intended Action--Chapter 61, Water Quality Standards Stream Use Classification. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 40 AND 43, WATER SUPPLY FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to adopt as a final rule the proposed new fee structure for assessment of water supply operation and construction permit fees. A copy of the proposed final rule and Response Summary is attached. The rules are intended to generate the funds for the water supply program authorized by 1994 Iowa Acts, Senate File 2314, Section 48. The rule changes include:

- New definitions for "population served" and "service connections" are added to Rule 40.2.
- A proposed base fee for all public water supplies.
- A proposed per capita fee for community water supplies serving 500 or more people based upon the last official U.S. census population.
- A schedule for paying the annual fees.
- A fee schedule for four years, starting in SFY95 and going through SFY98. The operation permit fees remain the same after SFY98.
- A method for the EPC to adjust the per capita fee annually to assure the legislated amount is collected.
- Establishment of a maximum per capita fee for small community water supplies. The maximum per capita amount is \$5 for SFY95 and 96 and \$10 from then on.
- Allowance for owners of multiple public water supplies located on the same property to pay a single operation permit fee beginning in SFY96.

Seven public hearings were held on these rules. Oral comments from 56 individuals and written comments from 82 individuals or groups were received; the public participation responsiveness summary is attached. Changes were made arising from the public comment period. The principle changes were to alter the per capita (person) fee threshold from 3,300 to 500 persons, an exemption for contiguous water systems and a maximum per capita fee for community public water supply systems. These changes are explained in more detail in the Response Summary.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission adopts 567--Chapter 40, "Scope of Division--Definitions--Forms--Rules of Practice," and Chapter 43, "Water Supplies--Design and Operation," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 12, 1994 as ARC 5167A. An Economic Impact Statement was published in the Iowa Administrative Bulletin on December 21, 1994.

The proposed amendments contain a new fee structure that revises the existing rules for the assessment of fees for water supply operation permits. The proposed fee structure is anticipated to generate the funds authorized by 1994 Iowa Acts, Senate File 2314, Section 48.

New definitions 40 for "population served" and "service connections have been added to Rule 40.2. Rule 40.5(17A.455B) is amended to reference the new fee structure. Paragraph 43.2(3)"b" is amended to provide for an annual fee for the operation of a public water supply. The fee is to be based on the population served and is to be paid annually or with the application for a new or renewed operation permit. All facilities, except for those owned by the Department or located on Indian lands, would pay a base fee. The proposed rule amendments also include a per capita fee based on that portion of the population in excess of 500 persons served by community public water supplies.

Seven hearings were scheduled and held on these proposed rules. Oral comments from 56 individuals and written comments from 82 individuals or groups were received; a public participation responsiveness summary was prepared. The fee schedule was altered in response to public hearing and written comments. The principle changes were to alter the per capita (person) fee threshold from 3,300 to 500 persons, and to add an exemption for contiguous water systems and a base fee cap for community public water supply systems.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part 1 and 1994 Iowa Acts, Senate File 2314, Section 48.

These rules shall become effective March 22, 1995.

The following amendments are adopted.

ITEM 1. Amend 567--40.2(455B) by adding the following definitions in alphabetical order:

"Population served" means the total number of persons served by a public water supply that provides water for human consumption. For municipalities it is the last official U.S. census population (or officially amended census population). For all other community public water supply systems it is either the actual population counted which is verifiable by the department or population as calculated by multiplying the number of service connections by an occupancy factor of 2.5 persons per service connection. For nontransient noncommunity (NTNC) and transient noncommunity (TNC) systems it is the average number of daily employees plus the average number of other persons served such as customers or visitors during the peak month of the year regardless if each person actually uses the water for human consumption. Where a system provides water to another public water supply system (consecutive public water supply system) which is required to have an operation permit, the population of the recipient water supply shall not be counted as a part of the water system providing the water.

"Service connections" means the total number of active and inactive service lines. For municipalities, rural water districts, mobile home parks, housing developments and similar facilities this includes, but is not limited to, occupied and unoccupied residences and buildings, providing that there is a service line connected to the water main or another service

line and running onto the property. For rental properties which are separate public water supply systems, this includes, but is not limited to, the number of rental units such as apartments.

Item 2. Amend 567--40.5(17A,455B) as follows:

567-40.5(17A,455B) Public water supply operation permit application procedures. A person requesting to obtain or renew a water supply operation permit pursuant to 567--43.2(455B) ~~must complete the appropriate application form, which will be provided by the department.~~

Upon receipt of a complete application and the appropriate fee pursuant to 43.2(3) "b", the department shall review the application and if approvable shall prepare and issue a water supply operation permit or draft permit, as applicable, and transmit it to the applicant. A permit or renewal will be denied when the applicant does not meet one or more requirements for issuance or renewal of such permit.

Item 3. Amend 43.2(3)"b" by rescinding the entire paragraph and inserting in lieu thereof the following:

b. Operation Fees.

(1) A nonrefundable fee for the operation of a public water supply system shall be paid annually or with the application for a new or renewed operation permit. The fee shall be based on the population served. The fee is composed of a base fee that applies to all systems and a per capita (person) fee that applies to community public water supply systems serving greater than 500 persons. The per capita fee applies to that portion of the population exceeding 500 persons.

(2) Fee Notices. The department will send annual notices (billing statements) to public water supply systems at least 60 days prior to the date that payment is due.

(3) First Annual Fee Payment. The annual fee payment for, the fiscal year beginning July 1, 1994 and ending June 30, 1995, must be paid to the department by March 1, 1995. Public water supply systems that paid an operation permit fee after May 13, 1994, based on the old permit fee schedule, will be given credit for this fee payment and will be billed for the difference.

(4) Second Annual Fee Payment. The annual fee payment for the fiscal year beginning July 1, 1995 and ending June 30, 1996, must be paid to the department by January 1, 1996.

(5) Fee payments after July 1, 1995. For the State fiscal year beginning July 1, 1996 and thereafter, the annual fee payment must be paid to the department by September 1st each year.

ANNUAL FEE SCHEDULE

Period	Base Fee (All Systems)	Per Capita Fee (each person over 500 persons)
7/1/94 - 6/30/95	\$180	\$0.04 X (population served)
7/1/95 - 6/30/96	\$295	\$0.07 X (population served)
7/1/96 - 6/30/97	\$380	\$0.09 X (population served)
after June 30th, 1997	\$560	\$0.13 X (population served)

* The per capita fee applies only to community public water supplies serving more than 500 persons. The per capita fee does not apply to nontransient noncommunity or transient water systems.

(6) New Public Water Systems. The initial fee payment for a new public water supply is due with the initial application for the operation permit. The amount of the initial payment shall be determined based upon the date the application is submitted to the department in accordance with the above listed ANNUAL FEE SCHEDULE. Annual fee payments subsequent to obtaining an operation permit shall be in accordance with the ANNUAL FEE SCHEDULE.

(7) Fee schedule adjustment. The department, upon approval of the Environmental Protection Commission, may adjust the per capita fee payment by up to: +/- \$0.03 per person served in fiscal year 1996; +/- \$0.04 in fiscal year 1997; and, +/- \$0.05 in fiscal year 1998 and thereafter. The extent of the fee adjustment is limited by the intent of 1994 Iowa Acts, Senate File 2314, Section 48, and will produce the exact revenue amounts of: \$475,000 from July 1, 1994 through June 30, 1995; \$700,000 from July 1, 1995 through June 30, 1996; \$900,000 from July 1, 1996 through June 30, 1997; and, \$1,200,000 during each subsequent fiscal year. When revenues exceed the amount expected, the department will not refund moneys but will reduce the fees, as limited above, in the subsequent fiscal year.

(8) Exempted public water supply systems. Public water supply systems owned by the department and public water supplies located on Indian lands are exempt from the fee requirements.

(9) The base fee for community public water supply systems shall not exceed \$5.00 per capita (person) per year for the first and second annual fee payment and \$10.00 per capita (person) per year thereafter.

(10) Multiple public water supply systems. Beginning July 1, 1995 and thereafter, suppliers of water which own multiple public water supply systems shall pay a single base fee and a per capita fee based on the aggregate populations served by the systems, providing the public water supply systems are: operated by a single supplier of water; they are located on a single contiguous parcel of land; and, a single supplier of water owns the collection, treatment,

distribution, and storage facilities. This subparagraph applies only to the basis of calculating the annual operation fee.

(A copy of the Responsiveness Summary is on file in the department's Record's Center)

Mr. Stokes gave a detailed explanation of the rules and changes made as a result of public comments received. He noted that if the legislature takes action to modify the fees the rules will come back before the Commission. He stated that if the state parks were to be included in the fees system it would lower the base fee by \$5.00. If the county parks were exempted it would increase the base fee by \$5.00 - \$6.00. He stressed that staff recommendation is to exempt DNR facilities noting that it would merely be taking from one pocket and putting into another within the agency. He related that if the Commission feels that in the interest of equity there is a need to address that, staff would prefer removing the state facilities from the exemption rather than exempt county facilities.

Charlotte Mohr stated that she would recommend reviewing the fee plan in 3-4 years if the rules are approved. She asked how the rural water districts fit into the plan.

Mr. Stokes explained that they would count the number of population served and would be considered a community water system, and would pay both the base fee and the per capita fee. Distribution systems that purchase water from a rural district are responsible for providing the water through the system to the service connections and would have to pay the fee based on the number of users being supplied. Those people would not be counted in the per capita count for the rural water district.

Motion was made by Charlotte Mohr to approve Final Rule--Chapters 40 & 43, Water Supply Fees for a period of two years, then bring the rules back for review. Seconded by William Ehm.

Discussion followed regarding the amount that will be paid by different size cities.

Chairperson Siebenmann asked when the fee will take effect.

Mr. Stokes stated that it will take effect with FY 95, the current fiscal year. State law requires fees to generate \$475,000 during this year and \$700,000 in FY 96.

Further discussion took place regarding the EPA moratorium on drinking water issues.

Rozanne King offered a friendly amendment that the the DNR facilities be included in the fee payment plan.

Mr. Stokes reminded the Commission that the DNR facilities must meet all of the other requirements of the rule and the only thing they are exempted from is the fee.

Motion to amend was seconded by Gary Priebe. Motion carried unanimously.

Vote on Commissioner Mohr's motion, as amended, carried unanimously.

APPROVED AS AMENDED FOR A PERIOD OF TWO YEARS

FINAL RULE--CHAPTER 42, WATER SUPPLY LABORATORY CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt as final rules the attached amendments to Chapter 42. These amendments establish rules for the certification of laboratories that conduct analyses required by the department for petroleum constituents from underground storage tanks. The certification of laboratories is provided for in Iowa Code 455B.113 and 114. The rules were published for public notice, and copies of the rules and certification manual were sent to laboratories known to be conducting underground storage tank analytical work.

No comments, written or oral, were received from the public or affected laboratories, and there are no proposed changes to the rules from the version that went to public comment.

ENVIRONMENTAL PROTECTION COMMISSION[567] Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.113, the Environmental Protection Commission amends Chapter 42, "Laboratory Certification," Iowa Administrative Code. The rules were published for Notice of Intended Action in the November 9, 1994, Iowa Administrative Bulletin as ARC 5224A.

The amendments add a certification procedure for laboratories performing analyses for petroleum constituents associated with the regulation of underground storage tanks under 567--Chapter 135. The amendments also divide the chapter into three parts: general requirements, water supply laboratory certification and underground storage tank laboratory certification. A guidance document entitled "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources" is incorporated by reference.

No written or oral comments were received on the proposed rules at the public hearings or during the comment period. The rule amendments and manual, as published in ARC 5224A, are being adopted with no changes.

These rules may have an impact on small businesses as provided in Iowa Code section 17A.31. These rules are intended to implement Iowa Code sections 455B.113 and 455B.114.

ITEM 1. Amend 567--Chapter 42 by inserting the following title before rule 42.1(455B).

**PART A
GENERAL**

ITEM 2. Amend subrule 42.1(3) by designating the first paragraph as paragraph “a” and adding the following new paragraph “b.”

b. The requirements of PART C of this chapter apply to all laboratories conducting underground storage tank analyses for petroleum constituents pursuant to 567--Chapter 135. Excluded from this certification process are the routine on-site monitoring analyses conducted by or for underground storage tank owners for leak detection or a nonregulatory purpose.

ITEM 3. Amend 567--Chapter 42 by inserting the following title before rule 42.2(455B):

PART B

WATER SUPPLY LABORATORY CERTIFICATION

ITEM 4. Reserve rules 567--42.5 to 42.25 to allow space for possible rule changes in the future.

ITEM 5. Amend 567--Chapter 42 by adding the following new PART C:

PART C

UNDERGROUND STORAGE TANK LABORATORY CERTIFICATION

567-42.26(455B) *Application for underground storage tank laboratory certification fees.*

42.26(1) *Application forms.* Application for laboratory certification shall be made on forms provided by the Department and shall be accompanied by the fee specified in 42.26(2). The application for certification or renewal of certification shall be made at least 60 days prior to the date when certification or renewal is desired. The department may require submission of additional information necessary to evaluate the application. If the application is incomplete or deficient, evaluation of the application and lab appraisal will not be completed until such time as the applicant has supplied the missing information or corrected the deficiency.

42.26(2) Fees and expenses. A nonrefundable fee for administration, completion of on-site laboratory surveys and assessments, and enforcement of the laboratory certification shall be paid with the certification application. Out-of-state laboratories will be responsible for paying the expenses of the on-site visit. The department or its agent will bill the out-of-state laboratory directly for the expenses. Certification will not be issued until the expenses are paid.

a. The fee for underground storage tank laboratory certification to perform analysis for OA-1 and OA-2 shall be \$1,200.

b. Fees for analyses not covered by paragraph "a" shall be \$300.

c. The fee for certification shall not be reduced if an on-site assessment or survey is not performed.

d. Reciprocal certification of out-of-state laboratories by Iowa and of Iowa by other states is encouraged. However, where an out-of-state laboratory has received an on-site assessment within its own state, the fee for certification shall not be reduced if an on-site assessment or survey is not performed by Iowa.

e. The laboratory certification fees shall be increased by \$300 per visit in those cases where multiple visits and multiple samples of unknown contaminants (for laboratory performance evaluations) are necessary.

567-42.27(455B) Procedure for laboratory certification.

42.27(1) Implementation process. All laboratories seeking certification shall provide a letter to the department requesting certification. The letter shall include a statement that the laboratory is capable of performing the OA-1 and OA-2 analyses in 567--subrules 135.10(3) and 135.10(4) and the intent to participate in blind performance evaluation testing using these methods.

a. Laboratories submitting a letter of intent to be certified by June 30, 1995, will be issued a temporary certification letter. The temporary certification will be effective until the laboratory is certified through the on-site visit process. No temporary certifications will be issued for applications received after June 30, 1995.

b. The department or its agent will schedule on-site visits for all laboratories submitting a letter of intent. The laboratory will have 30 days to complete an application and return it along with the fee to the department. The department will request a complete application from the laboratory 45 days prior to the on-site visit. Temporary certification will be removed and the on-site visit will not take place if the application and fee are not received.

c. Participation in a blind proficiency examination test using OA-1 and OA-2 laboratory methods must be initiated within 90 days of submitting the letter of intent to be certified. Blind proficiency examinations consist of analyzing product-spiked samples in a particular matrix provided by the testing organization to determine if a laboratory's analytical results are within the acceptance range. An independent performance testing organization meeting the requirements in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources" must be used. Passing the performance examination is required in order to receive final laboratory certification. Temporary certification will be removed if the laboratory fails to initiate the proficiency examination.

d. Certification of the University Hygienic Laboratory (UHL) is the responsibility of the UHL quality control officer. The quality control officer reports directly to the office of the director and operates independently of all areas generating data to ensure complete objectivity in the evaluation of laboratory operations. The quality control officer will schedule a biennial on-site inspection of the UHL and review proficiency results for acceptable performance. Inadequacies or unacceptable performance shall be reported by the quality control officer to the UHL for correction. The department shall be notified if corrective action is not taken.

42.27(2) On-site surveys. Upon application to the department by a laboratory requesting certification or recertification, a representative of the director will contact the laboratory and a date will be established for an on-site survey. The criteria given in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources" will be used during the on-site survey to evaluate laboratory equipment, procedures, records, and personnel. Prior to the on-site survey the laboratory will be requested to complete a presurvey information form. The on-site survey requirements may be waived for out-of-state laboratories desiring certification where the resident state has a certification program equivalent to Iowa's, has conducted an on-site survey and a copy can be provided to the department.

42.27(3) Letter of certification. If it is determined that the physical facilities and equipment of the laboratory meet the requirements set forth in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources," September 1994, and the laboratory personnel have properly demonstrated proficiency with the procedures specified in the manual, the laboratory will be issued a

letter of certification. The letter of certification will state the parameters, personnel and analytical procedures for which the laboratory is certified and may contain such conditions as are deemed necessary by the department to ensure that the laboratory is meeting all requirements of 567 Chapter 42 and 567--135.10(455B).

42.27(4) *Period of validity.* Certification shall be valid for a period not to exceed two years from the date of issuance, except in the case of reciprocal certification of an out-of-state laboratory. Certification in this case shall be valid for a period equal to that of the resident state in which the laboratory is certified, but not exceeding two years.

42.27(5) *Reporting requirements.* Certified laboratories must include the information required in 567--subrule 135.10(2) in their laboratory report.

42.27(6) *Performance evaluation and acceptance limits.*

a. Achieve quantitative results on annual proficiency examination samples that are within plus or minus 20 percent of the true value for individual compounds (i.e. benzene, ethylbenzene, toluene, xylene by OA-1) and plus or minus 40 percent of the true value for multicomponent materials (i.e., gasoline, diesel fuel, motor oil by either OA-1 or OA-2).

b. To receive approval to conduct analyses for the UST contaminants the laboratory shall:

(1) Analyze proficiency examination samples or equivalent samples provided by an independent proficiency organization meeting the requirements in the "Manual for the Certification of Laboratories Analyzing Environmental Samples for the Underground Storage Tank Program of the Iowa Department of Natural Resources."

(2) Achieve quantitative results on the analyses that are within the above acceptance limits.

42.27(7) *Laboratory recertification.* Laboratories shall be recertified every two years after initial certification. Applications for recertification must be received by the department or postmarked 60 days prior to the renewal date on forms provided by the department. Applications shall be accompanied by the fee specified in 42.26(2). To maintain laboratory certification, laboratories must meet the following requirements:

a. Laboratories must use the approved OA-1 and OA-2 methodology for all underground storage tank analyses to be submitted to the department;

b. Certified laboratories must satisfactorily analyze proficiency examination samples at least once annually by each method OA-1 and OA-2, including satisfactory analysis of benzene, toluene, ethylbenzene, and xylene by OA-1. Acceptance limits will be plus or minus 20 percent of the true value for individual compounds and plus or minus 40 percent for multicomponent products. Results must be submitted to the University Hygienic Laboratory along with a statement of method used within 30 days of receipt from the supplier.

c. Laboratories must notify the department or the university Hygienic Laboratory in writing within 30 days of major changes in personnel, equipment, laboratory facilities, or other major change which might impair analytical capability.

d. Laboratories must agree to a periodic site inspection, normally every two years. However, an on-site inspection may be conducted more frequently if the laboratory undergoes a major change or fails a proficiency examination sample analysis, or if the department questions an aspect of data submitted which is not satisfactorily resolved.

42.27(8) *Criteria and procedure for downgrading and revoking laboratory certification.*

a. Criteria for downgrading certification status to conditional. A laboratory may be downgraded to conditionally certified status for any of the following reasons:

(1) Failure to analyze a performance examination sample annually within Iowa acceptance limits;

(2) Failure to notify the department within 30 days of major changes which might impair analytical capability; or

(3) Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on a site survey.

b. Procedure for downgrading to conditionally certified status.

(1) If a laboratory is subject to downgrading on the basis of paragraph "a," the department will notify the laboratory or owner in writing. The laboratory director will review the problems cited and, within 30 days of receipt of the letter, send a letter to the department specifying what corrective actions are being taken. The department will consider the adequacy of the response and notify the laboratory by mail of its certification status and may follow up to ensure corrective actions have been taken.

(2) If a laboratory failed to analyze a proficiency examination sample within acceptance limits, the department will not downgrade certification if the laboratory identifies and corrects the problem to the department's satisfaction within 30 days of being notified. On behalf of the department, the University (State) Hygienic Laboratory may send the laboratory another unknown sample containing the failed component if no cause was unequivocally found. If the laboratory fails to analyze this second unknown sample within acceptance limits, the department will downgrade the laboratory to conditional certification and notify the laboratory in writing.

(3) Once the department notifies a laboratory, in writing, that it has been downgraded to "conditional certification," the laboratory must correct the problem within three months for procedural or administrative deficiency and six months for equipment deficiency. If the laboratory was downgraded because of a failure to analyze a proficiency examination sample within the acceptance limits, the laboratory must correct its problems and satisfactorily analyze another proficiency examination sample within two months of being notified.

c. Criteria for revoking certification status may include but is not limited to the following and the department retains the discretion to downgrade or revoke certification. Laboratory certification will be revoked for the following reasons:

(1) For conditionally certified laboratories, failure to analyze a proficiency examination sample within Iowa acceptance limits;

(2) Failure to satisfy the department that the laboratory has corrected deviations identified during the on-site evaluation within three months for a procedural or administrative deficiency or six months for an equipment deficiency. Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on a site survey;

(3) Submission of a proficiency examination sample to another laboratory for analysis;

(4) Falsification of data or other deceptive practices;

(5) Failure to use required analytical methodology for underground storage tank analyses submitted to the department;

(6) Failure to satisfy the department that the laboratory is maintaining the required standard of quality based on the site survey.

d. Procedure for revoking certification.

(1) The department will notify the party of its intent to revoke certification by commencement of a contested case proceeding as provided in 561 IAC 7.5(2) and consistent with Iowa Code section 17A.18.

(2) Certification will be reinstated when the laboratory can demonstrate that all conditions of laboratory certification have been met through a new application for certification.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed the rules.

Charlotte Mohr asked about number d.(2), on page 5, noting that the word certification is used three times, and she suggested deleting the last two words "for certification."

Mr. Stokes agreed that deletion of the words "for certification" would be appropriate.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 42, Water Supply Laboratory Certification, with the noted editorial change. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED WITH EDITORIAL CHANGE

STATE REVOLVING FUND - INTENDED USE PLAN FY95

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests commission authorization to hold a public hearing on the proposed State Revolving Fund Intended Use Plan for the State of Iowa, for fiscal year 1995 revolving fund loan assistance for wastewater treatment construction.

A draft Intended Use Plan was presented to the commission in December for information. The FY 1995 Intended Use Plan includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 1995 as well as uncommitted previous years funds. Opportunity for public input is required by EPA. The IUP is the initial step in preparing a grant request for federal funds for the SRF.

All applications received to date have been included on the proposed list for assistance. Several projects were added since the January draft. If approved, a hearing would be scheduled at the earliest practicable time. Notices will be sent to all cities and interested persons or groups. A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

NOTICE TO IOWA MUNICIPALITIES INTERESTED IN LOW INTEREST LOANS

FOR WASTEWATER IMPROVEMENTS**NOTICE OF PUBLIC HEARING** - Proposed Intended Use Plan for the administration of a Revolving Loan Fund for wastewater treatment facilities.

The Iowa Department of Natural Resources (DNR) will hold a public hearing on February __, 1995, beginning at 1:00p.m. in the 5th floor conference room of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa. Comments are invited on the proposed State Revolving Fund Intended Use Plan for the State of Iowa Fiscal Year 1995.

Written comments will be accepted through February __, 1995. Oral comments may be presented at the hearing. requests for copies of the Intended Use Plan or written comments may be directed to Wayne Farrand, Supervisor, Wastewater Section, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319 (telephone 515/281-8877, or FAX 515/281-8895).

The Intended Use Plan presents the State's administration of a revolving fund for loans to municipalities for wastewater treatment works construction. It includes a list of eligible applicants to date for fiscal year 1995 assistance. This list of projects is also referenced as the State Project Priority List for Fiscal Year 1995. The plan was developed pursuant to state rules adopted for this purpose (IAC 567--92(455B)). The final Intended Use Plan will be a part of the state's application for a federal capitalization grant to the revolving fund. It is anticipated that the Environmental Protection Commission will act on a final plan at its March, 1995, meeting.

(A copy of the Intended Use Plan and accompanying charts are on file in the department's Records Center)

Mr. Stokes explained the IUP and asked for approval to take it out to public comment.

Motion was made by William Ehm to approve the State Revolving Fund - Intended Use Plan for FY 95. Seconded by Rozanne King. Motion carried unanimously.

Brief discussion followed.

APPROVED AS PRESENTED

GRANTS TO COUNTIES FOR PRIVATE WELL TESTING AND CLOSURE, FY1996

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached list of grants to 91 counties for well testing and plugging, and 3 counties for well plugging only. Grants will be \$15,000.00 per

county for well testing and \$14,000.00 per county for well abandonment for SFY96, which is an increase of \$5,000 per county for well testing and \$5,200 per county for well plugging over SFY95 grant amounts. These figures are based on the current unobligated balance in the Groundwater Fund Agricultural Management Account (including previous year carryover) and additional receipt of funds expected before the end of the fiscal year.

Ninety four applications were received for the grant program. All applications were determined to be eligible. Counties are expected to test a minimum of 300 wells and plug 50 wells under the respective grants. Deviations from the actual grant amounts may vary based on final grant dollars available and the actual final numbers of wells tested and plugged by each county. Final payment will be based on actual performance.. Counties are allowed to transfer moneys between programs upon Department approval.

(The official grant list is shown on the following pages)

NAME		FY9 3	FY9 4	FY9 5	FY9 6		FY9 3	FY9 4	FY9 5	FY9 6
Adair	1	X	X	X	X		X	X	X	X
Adams	2	X	X	X	X		X	X	X	X
Allamakee	3	X	X	X	X		X	X	X	X
Appanoose	4	X	X	X	X		X	X	X	X
Audubon	5	X	X	X	X		X	X	X	X
Benton	6	X	X	X	X		X	X	X	X
Black Hawk	7	X	X	X	X		X	X	X	X
Boone	8	X	X	X	X		X	X	X	X
Bremer	9	X	X	X	X		X	X	X	X
Buchanan	10	X	X	X	X		X	X	X	X
Buena Vista	11	X	X	X	X		X	X	X	X
Butler	12	X	X	X	X		X	X	X	X
Calhoun	13	X	X	X	X		X	X	X	X
Carroll	14	X	X	X	X		X	X	X	X
Cass	15	X	X	X	X		X	X	X	X
Cedar	16	X	X	X	X		X	X	X	X
Cerro Gordo	17	X	X	X	X		X	X	X	X
Cherokee	18	X	X	X	X		X	X	X	X
Chickasaw	19	X	X	X	X		X	X	X	X
Clarke	20				X					X
Clay	21	X	X	X	X		X	X	X	X
Clayton	22	X	X	X	X		X	X	X	X
Clinton	23	X	X	X	X		X	X	X	X
Crawford	24	X	X	X	X		X	X	X	X
Dallas	25				X					X

Davis	26	X	X	X	X		X	X	X	X
Decatur	27									
Delaware	28	X	X	X	X		X	X	X	X
Des Moines	29	X	X	X	X		X	X	X	X
Dickinson	30	X	X	X	X		X	X	X	X
Dubuque	31	X	X	X	X		X	X	X	X
Emmet	32	X	X	X	X		X	X	X	X
Fayette	33	X	X	X	X		X	X	X	X
Floyd	34	X	X	X	X		X	X	X	X
Franklin	35	X	X	X	X		X	X	X	X
Fremont	36									
Greene	37	X	X	X	X		X	X	X	X
Grundy	38	X	X	X	X		X	X	X	X
Guthrie	39	X	X	X	X		X	X	X	X
Hamilton	40	X	X	X	X		X	X	X	X
Hancock	41	X	X	X	X		X	X	X	X
Hardin	42	X	X	X	X		X	X	X	X
Harrison	43	X	X	X	X		X	X	X	X
Henry	44	X	X	X	X		X	X	X	X
Howard	45	X	X	X	X		X	X	X	X
Humboldt	46	X	X	X	X		X	X	X	X
Ida	47	X	X	X	X		X	X	X	X
Iowa	48	X	X	X	X		X	X	X	X
Jackson	49	X	X	X	X		X	X	X	X
Jasper	50	X	X	X	X		X	X	X	X
Jefferson	51			X	X		X	X	X	X
Johnson	52	X	X	X	X		X	X	X	X
Jones	53	X	X	X	X		X	X	X	X
Keokuk	54	X	X	X	X		X	X	X	X
Kossuth	55	X	X	X	X		X	X	X	X
Lee	56	X	X	X	X		X	X	X	X
Linn	57	X	X	X	X		X	X	X	X
Louisa	58	X	X	X			X	X	X	
Lucas	59						X	X	X	X
Lyon	60	X	X	X	X		X	X	X	X
Madison	61						X	X	X	X
Mahaska	62	X	X	X	X		X	X	X	X
Marion	63	X	X	X	X		X	X	X	X
Marshall	64	X	X	X	X		X	X	X	X
Mills	65	X	X	X	X		X	X	X	X
Mitchell	66	X	X	X	X		X	X	X	X
Monona	67						X	X	X	X

Monroe	68		X	X	X			X	X	X
Montgomery	69	X	X	X	X		X	X	X	X
Muscatine	70	X	X	X	X		X	X	X	X
O'Brien	71	X	X	X	X		X	X	X	X
Osceola	72						X	X	X	X
Page	73	X	X	X	X		X	X	X	X
Palo Alto	74	X	X	X	X		X	X	X	X
Plymouth	75	X	X	X	X		X	X	X	X
Pocahontas	76	X	X	X	X		X	X	X	X
Polk	77									
Pottawattamie	78	X	X	X	X		X	X	X	X
Poweshiek	79	X	X	X	X		X	X	X	X
Ringgold	80	X					X			
Sac	81	X	X	X	X		X	X	X	X
Scott	82	X	X	X	X		X	X	X	X
Shelby	83	X	X	X	X		X	X	X	X
Sioux	84	X	X	X	X		X	X	X	X
Story	85	X	X	X	X		X	X	X	X
Tama	86	X	X	X	X		X	X	X	X
Taylor	87	X	X	X	X		X	X	X	X
Union	88	X	X	X	X		X	X	X	X
Van Buren	89	X	X	X	X		X	X	X	X
Wapello	90	X	X	X	X		X	X	X	X
Warren	91	X	X	X	X		X	X	X	X
Washington	92	X	X	X	X		X	X	X	X
Wayne	93	X	X	X	X		X	X	X	X
Webster	94	X	X	X	X		X	X	X	X
Winnebago	95	X	X	X	X		X	X	X	X
Winneshiek	96	X	X	X	X		X	X	X	X
Woodbury	97	X	X	X	X		X	X	X	X
Worth	98	X	X	X	X		X	X	X	X
Wright	99	X	X	X	X		X	X	X	X

Mr. Stokes reviewed the grant program.

Charlotte Mohr commented she is surprised that all counties do not participate. She asked why the department does not correspond with all counties about this program.

Mr. Stokes reiterated that it is a voluntary program and some counties have indicated that they do not want to be involved in the bureaucracy of it.

Motion was made by Charlotte Mohr to approve the Grants to Counties for Private Well Testing and Closure for FY 96. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

In retrospect, Clark Yeager asked if the Commission could be provided with a list of the dates and time of public hearings on the Water Quality Stream Use Classifications.

Mr Stokes noted that a list will be sent to the Commissioners as soon as it is finalized.

PETITION FOR DECLARATORY RULING ON CHAPTERS 38, 43, AND 49

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a Petition for Declaratory Ruling from the Hamilton County Attorney, including five questions relating to the above-referenced rules. A proposed response will be sent to the Commission and the Petitioner prior to the meeting, which will rule on some of the requests and decline to rule on some of the requests. If the Petitioner appeals to the Commission or the Commission moves to review it on its own, the Commission may consider this matter and approve, reverse, or modify the Director's ruling, or request more information. If there is no appeal, or motion by the Commission, the ruling and refusal become final. In this sense, this item is similar to the Commission's review of a proposed Administrative Law Judge's decision in a contested case.

(A copy of the Petition for Declaratory Ruling and the department's response is on file in the department's Record's Center)

Mr. Murphy stated that this issue involves a Petition for Declaratory Ruling from the Hamilton County Attorney regarding questions that office had about the department's rules in other matters pertaining to private wells and waste lagoons. He related that an option the Commission has, and staff feel is the appropriate action to take, is to decline to rule on specific questions relating to an actual pending case, but goes on to suggest rulings on more general questions. The Commission also has the option to decline to rule on any of the questions.

Appointment - Chris Gault

Chris Gault, Farm Bureau, addressed the Commission presenting the following written statement:

Environmental Protection Commission
Public Comment
January 17, 1995

"My name is Chris Gault. I am Public Policy Counsel for the Iowa Farm Bureau Federation and am representing the Farm Bureau in my comments today. I would like to address the proposed declaratory ruling on the separation distance between nonpublic wells and lagoons.

We ask that this commission not issue a declaratory ruling at this time. The livestock issue, which this declaratory ruling request was made, is multi-faceted and very complex. This is a change in policy and interpretation of the rules. It should be subject to appropriate public comment and debate, whether through the legislative process or through administrative rulemaking. The decision should not be made in isolation, but as a part of the larger issue of the future of the livestock operation regulation. The conflict between the two administrative rules should be resolved by amending the rules, not through a declaratory ruling.

Secondly, if the ruling is issued, it should be amended to clarify that it does not apply to permits that have already been granted. There are many farmers that have relied on the previous interpretation of the rules and were granted permits. The state and the counties with delegated authority should not require that wells be re-drilled or new permits be issued to meet this new interpretation of the separation distance. If issued, it would only be fair for this ruling to apply only to future permit requests.

Again, we ask that you not issue a declaratory ruling, but reconcile the two rules through administrative rulemaking and public comment.

Thank you for this opportunity to comment."

Appointment - Richard Bengtsen

Richard Bengtsen, farmer from Jewell, addressed the Commission stating that in October he asked the Commission if Chapter 49 was valid. Staff members subsequently advised that it was valid. He related that there is no change in policy as Chapters 38 and 49 have been in existence for many years. He added that there seems to be a mix up on the DNR memo as far as overruling the current Chapter 38 and 49 rules. Mr. Bengtsen stated that if the 28E agreement is a valid agreement, then, as a result, Chapter 38 is valid and, as a result, Chapter 49 is valid. He related that Chapter 38 states that a person will go to the county to get a permit for construction of a well. He stated that in looking at the request for permits, apparently Iowa Select Farms does accept the requirement at the county level because their permit was submitted to the county level even though they are alleging that the 28E agreement has no validity. Mr. Bengtsen noted that on the back of the permit request it states that the well digger and the owner of the property will comply with Chapter 49, which reads that there must be a 1000 foot separation between a lagoon and a newly constructed well. He stressed that the rules should be read and followed by the people.

Appointment - Doug Gross

Doug Gross, representing Iowa Select Farms, introduced Jeff Hanson, Chief Executive of Iowa Select Farms, and Jon Moberg, Chief of Site Selection. He stressed that Iowa Select Farms go

beyond the normal environmental requirements in that that they not only meet the requirements of the department in building a lagoon, but they also install four monitoring wells around the lagoon. At the Hamilton County site, Iowa Select Farms did special pump tests on the well to make sure there would not be any impact on any of the neighbors, and the DNR issued Iowa Select Farms a permit to withdraw water from that well. Mr. Gross stated that the purpose of the request for declaratory ruling is to try to shut down Iowa Select Farms. He related that the impact of such a ruling would affect many hog producers all across the state, hurting the small producer much more than the large producer. He noted that from an environmental standpoint there should not be any difference between whether it is industrial, municipality, or agriculture, adding that a 400 foot distance makes sense. Mr. Gross expanded on the livestock industry in Iowa and the need for consistent regulations. He noted that if the department is going to change policy in the middle of the stream it would send a very bad signal to industry. He asked the Commission to decline to issue a declaratory ruling. He added that if the department wishes to get involved, he would ask that they do what the Farm Bureau Federation suggested and that is to go through the rulemaking process and allow for public comment on a new rule. The other option would be to wait until the legislature addresses the issues of setback.

Appointment - Rececca Cole

Rebecca Cole, resident near the Iowa Select Farms facility, addressed the Commission stating that there is a big difference between small producers and large producers and there is also a big difference on how animal waste is treated and on how municipalities treat waste. She related that municipalities have to put in huge, expensive equipment and Iowa Select Farms has nothing more than just a pit in the ground. She expressed concerns about the water noting that, even though no one lives on the Iowa Select Farms site, it still affects the aquifer that a lot of people get their water from. Ms. Cole stated that this is something that needs to be addressed and the DNR needs to protect the natural resources. She noted that there is no on-site inspection of the lagoons, and the DNR staff only see a piece of paper sent from a lab stating that they meet permeability tests.

Mr. Bengtsen spoke about his knowledge and background associated with hog production noting that he has been farming for 40 years. He reiterated that Chapters 38 and 49 have been on the books for years and there is no change in policy. He emphasized that on the back of the permit the county uses, it specifically states that the well digger and the landowner should comply with Chapter 49. He stated that he lives about two miles away from Iowa Select Farms and he is concerned about the quality of his drinking water as a result of this facility.

Mr. Stokes reviewed that the Commission has the option of adopting the declaratory ruling as presented by staff, modifying the ruling, or declining to rule.

Clark Yeager asked Mr. Bengtsen what it is that he specifically wants.

Mr. Bengtsen stated that he wants the county, which has the jurisdiction, to follow the rules established by DNR and that is to cap the wells because they are illegally sited as far as Chapters 38 and 49 are concerned.

Discussion followed regarding Chapter s38 and 49, separation distances, and variances.

William Ehm asked what risks are involved and about the differences between a deep well and a shallow well.

Mr. Stokes stated that he would like to stress that this declaratory ruling specifically refuses and declines to rule regarding any prior actions. He related that it is not talking about prior actions or any specific facility, rather the attempt is to respond to a legitimate request by a county unit of government to hopefully clarify what the rules state in their applicability for future actions, and not to render decisions on previous actions by any party. He noted that there are provisions for variances, so depending upon what the Commission rules it does not necessarily mean a particular prior action would be negated. He related that the county can still render those decisions and the authority clearly rests with the county.

Mr. Murphy read the definition of a deep well and as defined in Chapters 40 and 60.

Doug Gross stated that the Iowa Select Farms wells are approximately 325 feet deep.

Rebecca Cole remarked that the wells are 160 - 170 feet deep.

Chairperson Siebenmann asked what the impact would be in delaying to see what the legislature does on the livestock issue.

Mr. Stokes commented that it would have minimal impact from the department's vantage point because the rules could continue to be applied by the counties as they have been. He related that there is conflict between differing sets of rules and staff are working on some rulemaking in that regard, but it would not be prudent to move on it given the fact that the legislature is going to take some form of action. He noted that a delay would not have an impact on the department because the declaratory ruling does not talk to prior actions and, in terms of future actions, the rules are still there and can be interpreted by the enforcing counties.

Clark Yeager asked what options the Commission can take.

Mr. Stokes reviewed the following options for the Commission: 1) approve and choose to adopt the declaratory ruling that was presented by staff as is; 2) modify the ruling in some fashion; or 3) decline to issue the declaratory ruling.

William Ehm urged the Commission not to adopt any stance in the matter because there is a strong likelihood it would be sending mixed signals to others who have wells in similar situations. Also, because several months ago when he asked if there would be any policy changes in terms of animal operations rules, Mr. Stokes indicated that with the issue coming before the legislature the department would take a "wait and see" attitude. Commissioner Ehm related that with that philosophy in mind he feels it would be inappropriate for the Commission to do anything now. He added that it would be best to see what happens in the legislature.

Rozanne King concurred with Commissioner Ehm's thoughts but added that action is needed to refuse the ruling.

Motion was made by Rozanne King to refuse the declaratory ruling and decline to rule. Seconded by Charlotte Mohr.

Clark Yeager stated that he concurs with Commissioner Ehm's comments, adding that the issue is confusing and needs to be straightened out and he doesn't feel one declaratory ruling can do that.

Vote on Commissioner King's motion carried unanimously.

DECLARATORY RULING DECLINED

CONTESTED CASE APPEAL--ECONOMY SOLAR CORP.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 27, 1994, the department issued Administrative Order 94-AQ-04 to Economy Solar Corp. That action required the company to comply with asbestos NESHAP rules, and to pay a \$5,000 penalty. That action was appealed by Economy Solar Corp., and the matter proceeded to administrative hearing on September 9, 1994. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on October 4, 1994. The decision affirmed the issuance of the permit, with the exception of raising the penalty to \$7,500.

Economy Solar Corp. has appealed this order to the Commission. In addition, on October 13, 1994, Economy Solar filed a Motion to Set Aside the ALJ Decision, which was denied by the ALJ on October 24, 1994. Economy Solar has also appealed this ruling and asks that this matter be remanded to the ALJ for further findings. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this case involves the ALJ upholding an Administrative Order issued to Economy Solar Corp. assessing a \$5,000 penalty and directing that the company comply with the asbestos NESHAPS rules. He added that the ALJ ruling upheld the Order with the exception of raising the penalty, and in addition imposed a condition on the company that one of their officers directly supervise the filling out of forms and personally sign the notification forms in the future. Mr. Murphy stated that the department did not receive a request for oral argument from Economy Solar. He reviewed the Commission's options in this case.

Chairperson Siebenmann asked that in the future, on large packets of material, that the date be stamped on the first page of each individual segment within the packet.

Motion was made by William Ehm to affirm both decisions of the Administrative Law Judge. Seconded by Kathryn Murphy. Motion carried unanimously.

ALJ DECISIONS UPHELD

Discussion took place regarding the amount of time it takes to move various cases through the system.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to refer of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Wunschel Oil Company; Vernus, Jaquelyn, and Mark Wunschel (Battle Creek)
- tanks
- b. Ida County Sanitary Landfill - solid waste

Wunschel Oil Company; Vernus, Jaquelyn, and Mark Wunschel

Mr. Murphy briefed the Commission on the history of this case involving failure to comply with the financial responsibility requirements in the tank program.

Brief discussion followed regarding tank removal and free product removal.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.

REFERRED

Ida County Sanitary Landfill

Mr. Murphy briefed the Commission on the history of this case involving a number of operational violations. He noted that staff met with the parties involved and offered direction and resolutions to the problems and they seemed cooperative. He related that the county was notified that this would be referred today unless they contact staff and the department has not received a response from them.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.

REFERRED

WASTE ABATEMENT AD HOC COMMITTEE REPORT

Clark Yeager reported that the Waste Abatement Committee met on December 29 and was attended by Commissioner King, Brian Tormey - WMA, Larry Wilson, Teresa Hay, Jim Ulveling - Carroll County Solid Waste, Margo Underwood - Mason City, and Ralph Alshouse - Rathbun Solid Waste Area, along with his engineer. Commissioner Yeager related that the representatives from Carroll County and Mason City indicated they could not meet the 25% waste reduction requirement the way it was being figured. Rathbun met the 25% reduction requirement. He stated that the committee discussed various methods of figuring the 25% reduction and some of the people are going to come back in and meet, individually, with WMA staff for further help and guidance. Commissioner Yeager noted that Brian Tormey is going to do some outreach in educating the landfill operators on this issue. He added that it was a very productive meeting.

Director Wilson commented that he felt it was a valuable meeting because there were some calculation methods the landfill operators were not taking into consideration and they are now aware of those methods. He added that it was apparent that there had been some lack of understanding on the part of the landfill operators in doing their calculations. Mr. Wilson indicated that a letter will go out to all landfill operators explaining that there are various methods of calculation that are available, and that DNR staff are available for any help they may need.

Chairperson Siebenmann thanked Commissioners Yeager and King for serving on the committee.

GENERAL DISCUSSION**Legislative Breakfast**

Director Wilson reviewed the legislative breakfast scheduled for tomorrow morning at 7:30 a.m. He noted that each Commissioner normally handles questions for a specific legislative proposal and he listed the following:

Open Dump Site Cleanup	Nancylee Siebenmann
Eliminate 10 Year Moratorium on	
New Wastewater Requirements	Gary Priebe and Kathryn Murphy
Tax Exemption for Waste Reduction Equipment	Charlotte Mohr
Tonnage Fee Language Simplification	Clark Yeager and Rozanne King
Biodegradable Plastic Purchase Requirements	Terrance Townsend

William Ehm stated that he has a conflict and will not be able to attend the legislative breakfast.

Director Wilson and Don Paulin reviewed details of the legislative proposals.

Waste Tire Processing Services Contract

Gary Priebe stated that he would like to discuss Item 5 which was deleted from the agenda. He related that, in reference to that item, he received a note from Don Grell who requested that he read it to the Commission. Commissioner Priebe read Mr. Grell's note as follows:

"As requested, we are furnishing the following proposal to load, transport, and process the tires and other debris of the tire pile commonly referred to as Midwest Tire Resources and/or Don Ervin's tire pile near Otho, Webster County, Iowa. The passenger and light truck tires will be loaded, transported, and processed for the sum of \$300,000. The entire site will be loaded, transported, and processed for \$500,000. The term for completing the site clean up will be six months if the project can be started on or before February 1, 1995. If the date is after that, the six month option would extend to within a year. The payment schedule is 15% per month."

Commissioner Priebe stated that he does not know the status of what is going on with this item and does not know if this letter would have any pertinence to it or not, but he wanted to bring it to the Commission's attention that there is another offer to do the clean up at a considerable savings.

Director Wilson provided background on this issue relating that the tire pile in Otho is the largest tire pile in the state. He explained that staff was looking at what role the department should take in helping correct the tire pile problems around the state. One thing that was considered was the department purchasing a portable shredder to help remove the tires. The department was looking to do the Ft. Dodge tire pile first because some of the local officials indicated an interest in using chopped and ground tires for use in a leachate field or construction of a landfill. It was decided that purchasing a portable shredder would not be feasible because of the complexity of the machinery and additional necessary logistics. Another option was to hire a contractor to come on site and handle the cleanup but questions arose in regard to what EPA would allow. Director Wilson pointed out that there are now questions by EPA and the landfill

that need to be answered before approving a contract. He indicated that with all the unanswered questions the item needed to be withdrawn at this time.

A lengthy discussion followed regarding the bidding process; what type of permit would be needed by the person who won the bid; ownership of the tire pile and land; the hazardous substance remedial fund; and the amount of fine assessed Don Ervin as stated in the newspaper article.

Chairperson Siebenmann stated that because of the level of interest she is hearing from the Commission, it would be appreciated if there is action on this in the future if it could come before the Commission, at least as an informational item.

ADDRESS ITEMS FOR NEXT MEETING

Report on Air Program

NEXT MEETING DATES


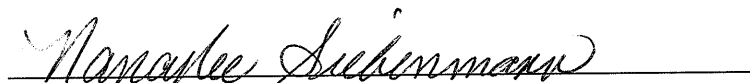
February 20, 1995

March 20, 1995

April 17, 1995

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 3:10 p.m., Tuesday, January 17, 1995.


Larry J. Wilson, Director
Nanaylee Siebenmann, Chair

January 1995

Environmental Protection Commission Minutes

Rozanne King
Rozanne King, Secretary

INDEX

A

Adjournment, 73
 Adoption of Agenda, 1
 Air Quality Rules--Chapters 20, 22, 23, and
 25

Proposed Rule, 48

Appointment

Bengtson, Richard (petition for
 declaratory ruling -ch.38, 43, &49), 66
 Cole, Rebecca (petition for declaratory
 ruling), 67
 Gross, Doug (petition for declaratory
 ruling), 66
 Appointment - Chris Gault (petition for
 declaratory ruling-ch. 38, 43, &49), 65
 Approval of Minutes, 2

B

Bengtson, Richard
 Appointment (petition for declaratory
 ruling -ch.38, 43, &49), 66
 Brazelton, Don
 Public Participation (water supply fees),
 15

C

Call to Order, 1
 Chapters 38, 43, and 49
 Petition for Declaratory Ruling, 65
 Clinton County Area Solid Waste Agency
 RCC Grant Contract, 24
 Cole, Rebecca - Appointment (petition for
 declaratory ruling), 67
 Commissioners Absent, 1
 Commissioners Present, 1
 Contested Case Decision
 Appeal
 Economy Solar Corporation, 69
 Contracts

Clinton County Area Solid Waste
 Agency RCC Grant, 24

D

Director's Report, 2

E

Economy Solar Corp.
 Contested Case Decision
 Appeal, 69

F

Final Rule
 Chapter 42, Water Supply Laboratory
 Certification, 55
 Chapters 40 and 43, Water Supply Fees,
 49
 Financial Status Report, 16

G

Gault, Chris - Appointment (petition for
 declaratory ruling-ch. 38,43, &49), 65

Grants

Private Well Sampling and
 Abandonment Grants to Counties
 FY96, 61
 Regional Collection Center Grant
 Contract
 Clinton County Area Solid Waste
 Agency, 24

Gross, Doug

Appointment (petition for declaratory
 ruling), 66

I

Ida County Sanitary Landfill
 Referrals to the Attorney General, 71
 Intended Use Plan
 State Revolving Fund
 FY95, 60

L

Landfill Alternatives Financial Assistance
Program
Applications, 3
Landfill Alternatives Grantee Update, 13
Legislative Breakfast, 71

M

McMullen, L. D.
Public Participation (water supply fees),
16
Monthly Reports, 31

N

Notice of Intended Action
Chapter 61, Water Quality Standards
Use Designation - Phase VI, 49

P

Petition for Declaratory Ruling
Chapters 38, 43, and 49, 65
Private Well Sampling and Abandonment
Grants to Counties
FY96, 61
Proposed Rule
Chapters 20, 22, 23, and 25, Air Quality,
48
Public Participation
Brazelton, Don (water supply fees), 15
McMullen, L.D. (water supply fees), 16

R

Referrals to the Attorney General
Ida County Sanitary Landfill, 71
Wunschel Oil Company, 70

S

State Revolving Fund
Intended Use Plan
FY95, 60

T

Toxic Cleanup Days

Report
1994, 2

V

Wunschel Oil Company
Referrals to the Attorney General, 70

W

Waste Abatement Ad Hoc Committee
Report, 71
Waste Tire Processing Services Contract, 72
Water Quality Standards
Use Designation - Phase VI--Chapter 61
Notice of Intended Action, 49
Water Supply Fees--Chapters 40 and 43
Final Rule, 49
Water Supply Laboratory Certification--
Chapter 42
Final Rule, 55